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bulletin





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EIGHTIETH CONGRESS, SECOND SESSION, AND THE UNITED NATIONS

by Sheldon Z. Kaplan

I. INTRODUCTION

In the author's articles on the "Eightieth Congress, First Session, and the United Nations,"¹ it was pointed out that the Eightieth Congress, in its First Session, had made an impressive record, despite a heavy work load, in enacting, or taking the initiatory steps to enact, municipal legislation needed to implement the wide responsibilities which flow from United States participation in the United Nations and related activities. Those special responsibilities as host which devolve upon this country by virtue of our Government's invitation, extended through the Congress, to the United Nations to locate its permanent headquarters here were also described,² and some of the legislative measures enacted into law to give concrete proof of the recognition of those responsibilities were outlined in some detail.

The Second Session of the Eightieth Congress was, indeed, no less active in the shaping of United States foreign policy, nor were the details, implications, and ramifications attending the legislation necessary to make effective the work of the United States in the broad field of international organization less important. During the Second Session³ action was completed authorizing United States acceptance of the constitution of the International Labor Organization instrument of amendment and United States participation in the World Health Organization, the Caribbean Commission, the South Pacific Commission, and the Pan American Railway Congress, and the Senate advised and consented to the ratification of the international telecommunication convention and the International Labor Organization final-articles revision convention, 1946 (no. 80). Important and timely was the enactment of legislation authorizing the loan of 65 million dollars to the United Nations to enable it to finance the construction of its permanent home in New York City. Significant, too, was the passage by the Senate of the so-called Vandenberg resolution, re-

affirming the policy of the United States to achieve international peace and security through the United Nations and indicating certain objectives to be pursued.

For convenience, those of the above measures which best illustrate the impact of the legislative process upon the full participation by the United States in the United Nations and related activities will be considered under the following headings: "Action Initiated During First Session and Completed During Second Session"; and "Action Initiated and Completed During Second Session".

In addition, reference will be made to the Vandenberg resolution and to United Nations measures considered by the Eightieth Congress which did not receive final action during the Second Session, the latter under the heading of "Uncompleted Measures".

II. ACTION INITIATED DURING FIRST SESSION AND COMPLETED DURING SECOND SESSION⁴

South Pacific Commission

The events leading up to the formation of this intergovernmental regional agency have been described elsewhere briefly by the author.⁵ At the end of the First Session of the Eightieth Congress, H. J. Res. 232, "Providing for membership and participation by the United States in the South Pacific Commission and authorizing an appropriation therefor", had passed the House on July 21, 1947, and the Senate on July 26, 1947, but because of technical amendments adopted by the latter, the joint resolution was sent back to the House for its concurrence. On January 19, 1948, less than two weeks after the Second Session was convened, the House agreed to these amendments, and on January 28, 1948, with the signature of the President, the measure became Public Law 403. It authorizes: (1) the President to accept membership for the United States in the Commission and to appoint the United States commissioners and their alternates (sec. 1), (2) an

appropriation to the Department of State not to exceed 20 thousand dollars annually as the United States proportionate share of expenses of the Commission⁶ and such additional sums as may be needed to cover necessary expenses incident to United States participation (sec. 3), and (3) the Secretary of State to detail specially skilled personnel from Government agencies to the Commission (sec. 4). The President on that day also signed the instrument of acceptance of the agreement establishing the South Pacific Commission, which was dispatched January 30, 1948, by the Department of State to the officer in charge of the American Mission at Canberra, Australia, for deposit with the Government of Australia.⁷ On April 28, 1948, the Secretary of State announced that the President had appointed the following as the United States commissioners and alternate commissioners on the Commission: Felix Keesing, senior commissioner, Milton Shalleck, commissioner, and Karl C. Lebrick and Orsen N. Nielsen, alternate commissioners—the last-named for the first session only.

The South Pacific Commission, a pioneer venture in regional cooperation among governments responsible for the administration of dependent areas, began the deliberations of its first session on May 11, 1948, and met daily through May 21 at its interim headquarters at Middle Head, Sydney, Australia. As may be expected of a newly created intergovernmental organization, the conference produced few, if any, substantive achievements. The 11 days of conference, however, did establish an effective administrative and organizational foundation for its ultimate substantive activity through the adoption of a broad work program.⁸ In addition, a working committee was set up to function between sessions of the Commission, charged with the responsibility of making recommendations with regard to a permanent site for the Commission (at Nouméa or Suva) and of selecting at a very early date a secretary general, a deputy secretary general, a deputy chairman of the research council, and full-time research workers, the final selection being left for the decision of the senior commissioner of each government. The Commission's next session will be held at Sydney on October 25, 1948.

Thus, the first of the two intergovernmental regional agencies designed to promote the economic and social welfare and advancement of

non-self-governing territories with which the Eightieth Congress had to deal has made a good start toward the important work which lies immediately ahead.⁹

Caribbean Commission

The Caribbean Commission is the second of the two intergovernmental regional agencies established to promote the cooperation envisaged in article 73 of the United Nations Charter with which the Eightieth Congress was faced. At the close of the First Session, H. J. Res. 231, a joint resolution "Providing for membership and participation by the United States in the Caribbean Commission and authorizing an appropriation therefor", had passed the House of Representatives on July 21, 1947, and had been reported out by the Senate Committee on Foreign Relations the following day, with technical amendments designed to clarify the amount of money to be authorized for contribution to the Commission's budget (as distinct from expenses incident to United States participation therein).¹⁰ The necessary legislative authorization to make effective United States participation in this organization was completed during the Second Session with the passage of the joint resolution, as amended, by the Senate on February 2, 1948,¹¹ and the concurrence of the House in the amended measure on February 27, 1948. It was approved by the President, March 4, 1948, and became Public Law 431. The provisions of Public Law 431 are similar to those of Public Law 403 (South Pacific Commission), except that the former authorizes not more than 142 thousand dollars annually for the payment by the United States of its proportionate share of expenses¹² and does not authorize the detail of Government personnel.¹³

The accomplishments of the Caribbean Commission since March 4, 1948, the date of the enactment of H. J. Res. 231 into Public Law 431, may be summarized as follows:

1. The major undertaking of the Commission has been the completion of a comprehensive survey of existing and potential industries in the 15 territories of the Caribbean area. A panel of four experts—one from each national section—collected basic, factual data on industries including such items as production records; kind and source of raw materials; financial procedures; availability of fuel, power, labor, transport, and markets

The reports of these experts will be coordinated into one over-all report and will serve as documentation for the Third Session of the West Indian Conference to be held in Guadeloupe in December. The outline developed by the United States expert was adopted as the standard form by France, the Netherlands, and the United Kingdom in gathering this information. Dr. Rafael Picó, chairman of the Planning, Urbanizing, and Zoning Board of Puerto Rico, and a United States commissioner compiled the information on the United States territories. Experts from the Departments of Commerce, Labor, and State and the United States Tariff Commission assisted him.

2. The Commission also completed a survey of transportation and communication facilities in the Caribbean area. It will be used also as part of the documentation of the Third Session of the West Indian Conference.

3. Efforts were continued to organize a Caribbean tourist-development association whose purpose would be to develop the tourist trade on a regional basis.

4. A weekly radio program in the four languages of the area was initiated and carried on by the Commission. The program furnishes current news on social and economic happenings in the area and is designed to make the peoples aware of the similarity of their problems and the solutions to be found by coordinated effort. This type of program is important in an area where illiteracy is high and people widely separated.

5. The Commission continued to publish a *Monthly Information Bulletin* in the four languages of the area. It is a systematic and continuing means of publishing information on scientific, educational, and economic developments in or relating to the Caribbean and is widely distributed to local governments, libraries, and individuals.

6. One regular business meeting of the Commission was held in San Juan, Puerto Rico, May 24-29, 1948,¹⁴ and the working committee met at frequent intervals.

The Commission at this meeting approved plans for a study of the movement of population in the Caribbean region including population growth, pressure, and migratory movements. Emphasis of the meeting was on the Commission's primary task as an advisory body in promoting scientific, technological, and economic develop-

ment in the Caribbean area. Regional action in achieving such development depends upon a thorough knowledge of what research and research facilities exist in the individual territories. With this in view, the Commission authorized the Central Secretariat, which is located at Port-of-Spain, Trinidad, British West Indies, to make a research survey covering all existing research institutions, projects, and personnel in the area. The results of this survey will form the nucleus of a permanent and active research information service in the Secretariat. The staff will concentrate on a limited number of particular fields of activity which have every-day application in the lives of the peoples of the Caribbean—such as soil erosion, plant and animal quarantine, nutrition, and health education. In addition, the Commission authorized the establishment of a statistical unit in the Secretariat to collect, collate, analyze, and distribute data on such matters as trade, population trends, and other topics of general utility to governments and businessmen.

7. The Commission has been making all necessary preparation for the Third Session of the West Indian Conference. This preliminary work includes such matters as extending invitations, accrediting delegates, working out the agenda for a technical meeting, compiling basic background surveys, and making physical arrangements for transportation and accommodation. The central theme will be industrial development and related matters. The Commission expects to arrive at a four-nation policy statement on industrial development and economic productivity for the Caribbean region as a result of recommendations produced at this Conference.

8. Technical bulletins, dealing with the external trade of the Caribbean, were published on the following subjects: fish, vegetables, grain crops, meat products, dairy products, cement, tobacco, bananas, edible oils and fats, soap, matches, and candles. These are part of a series analyzing requirements and movements of basic products of trade in the Caribbean area.

Thus, through the legislative process, it is possible for the Government of the United States to co-operate and participate fully in a vital intergovernmental work which should be ". . . an excellent augury for the establishment of regional commissions in other disturbed areas of the world, occupied largely by non-self governing peoples."¹⁵

World Health Organization (WHO)¹⁸

1. The Senate's Withdrawal Provision

At the time of its adjournment *sine die*, December 19, 1947, the First Session of the Eightieth Congress had witnessed the passage on July 7, 1947, of S. J. Res. 98, a joint resolution "Providing for membership and participation by the United States in the World Health Organization and authorizing an appropriation therefor", with one important amendment, which provided as follows:

SECTION 4. In adopting this joint resolution the Congress does so with the understanding that the United States reserves its right to withdraw from the Organization on a 90-day notice: *Provided, however,* That the financial obligations of the United States to the Organization shall be met in full for the Organization's current fiscal year.¹⁹

The reason for the amendment was contained in the report of the Senate Foreign Relations Committee on S. J. Res. 98¹⁸ and in the Chairman's statement in presenting the report to the Senate:¹⁹ the Committee foresaw a possibility of the constitution of WHO being amended in such a manner as to impose additional obligations on the United States without its consent.

2. The House Foreign Affairs Committee Withdrawal Provision and Other Proposed Amendments

The House Committee on Foreign Affairs reported out H. J. Res. 161, the companion measure to S. J. Res. 98, 10 days after the action in the Senate. Like its Senate counterpart, this Committee recommended an amendment in the form of a new section, providing for United States withdrawal from WHO on a one-year notice rather than the 90 days contained in the Senate version. In addition, it recommended several other amendments, of which the following are the more important for the purposes of this account: (a) a provision requiring an investigation by the Federal Bureau of Investigation of any person serving as a representative or delegate to the Assembly of WHO and (b) a provision requiring that "no citizen or resident in the United States" could participate in the activities of WHO without the consent of the Secretary of State.

Thus, when the Second Session convened on January 6, 1948, action had been completed by the Senate authorizing United States membership and

participation in and contribution to WHO, with the withdrawal provision noted, and the House Foreign Affairs Committee had reported out its companion bill, also with a withdrawal provision plus other amendments which would vitally affect United States representation to the Organization which was established to make possible the "attainment by all peoples of the highest possible level of health".

3. Department of State's Comments on the Proposed Amendments

On January 8, 1948, letters signed by the Under Secretary of State were dispatched to Senator Vandenberg, chairman of the Senate Foreign Relations Committee and President *pro tempore* of the Senate, to Representative Eaton, chairman of the House Foreign Affairs Committee, and to Representative Judd, who had sponsored H. J. Res. 161. Enclosed with these letters were comments by the Department of State, in memorandum form, calling attention, among other things, to the fact that the withdrawal provision had been questioned by other governments and to the language of the declaration unanimously agreed to July 17, 1946, by the International Health Conference, which had formulated WHO's constitution. This declaration, a part of the official record of the Conference, stated that:

A member is not bound to remain in the Organization if its rights and obligations as such are changed by an amendment to the Constitution in which it has not concurred and which it finds itself unable to accept.²⁰

The Department's comment on the proposed amendment providing "That no citizen of or resident in the United States shall participate in any session, conference or meeting, or other work of the World Health Organization or of any subordinate committee or organization thereof without the consent of the Secretary of State", was that the inclusion of such an amendment in the instrument of acceptance of the United States of the constitution of WHO would appear to have the effect of placing the Director General of WHO under an obligation not to employ any United States citizens or foreign nationals resident in the United States without the consent of the Secretary of State. This provision would run counter to a basic principle on which the United Nations and its specialized agencies are founded, namely, that their staffs should consist of persons who perform

, with their duties as faithful international civil servants
Hous and who do not act as representatives of the go-
but governments of which they happen to be nationals.
vision This principle is clearly stated in articles 35 and
affect 37 of the WHO constitution, which read as follows:

Article 35. The Director-General shall appoint the staff of the Secretariat in accordance with staff regulations established by the Health Assembly. The paramount consideration in the employment of the staff shall be to assure that the efficiency, integrity and internationally representative character of the Secretariat shall be maintained at the highest level. Due regard shall be paid also to the importance of recruiting the staff on as wide a geographical basis as possible.

Article 37. In the performance of their duties the Director-General and the staff shall not seek or receive instructions from any government or from any authority external to the Organization. They shall refrain from any action which might reflect on their position as international officers. Each Member of the Organization on its part undertakes to respect the exclusively international character of the Director-General and the staff and not to seek to influence them.²⁴

4. Steps Toward Final Congressional Action

IMPORTANCE OF TIMELY CONGRESSIONAL ACTION

The Department of State was most anxious that final congressional action be taken without amendments which could conceivably prevent the acceptance of the United States instrument of deposit and that such action be taken in time for participation of this Government in the First World Health Assembly, which was scheduled to convene in Geneva on June 24, 1948. Absence of the United States from this meeting, which was to mark "the beginning of full-scale activity of WHO and the termination of the interim phase of the development of the international health agency planned by plenipotentiaries of 62 governments at the International Health Conference at New York City during the summer of 1946",²⁵ would mean forfeiting the opportunity of the United States to influence the program and organizational structure of WHO, including selection of a Director General, site of headquarters, and members of the Executive Board, as well as determination of budget and scale of contributions. Moreover, participation by the United States in WHO had, in fact, been supported by representatives of numerous public and professional associations in the medical and public-health fields.²⁶

TABLING OF H. J. RES. 161 AND INTRODUCTION OF ITS NEW VERSION, H. J. RES. 409

On March 12, 1948, the House Committee on Rules met to consider a resolution proposed by the House Foreign Affairs Committee which provided for consideration of H. J. Res. 161 by the House of Representatives. This resolution, however, was tabled. On April 7, 1948, WHO came into official existence, as a specialized agency, when the last of the required 26 United Nations members deposited with the Secretary-General of the United Nations its instrument of acceptance of the WHO constitution.²⁴ On May 19, 1948, Representative Judd, to avoid delay, introduced in the House H. J. Res. 409, a rewritten version of the previously reported H. J. Res. 161. The new measure was referred to the House Committee on Foreign Affairs, which acted with dispatch, for the following day the measure was unanimously reported out. As thus reported, H. J. Res. 409 contained new features,²⁵ such as a requirement that the United States Representative on the Executive Board of WHO, when there is one, be appointed by the President by and with the advice and consent of the Senate and that he have "ten years active practice as a physician or surgeon",²⁶ an authorization of funds on a per annum basis instead of for the fiscal year beginning July 1, 1947, almost past, and a provision stating that nothing in the WHO constitution involves any commitment to specific legislative action by the United States Congress.²⁷

The constitution of WHO actually specifies that the delegates to the Health Assembly "should be chosen from among persons most qualified by their technical competence in the field of health, preferably representing the national health administration of the Member",²⁸ in recognition of the fact that WHO will be primarily concerned with problems of public-health technique and administration. Accordingly, if the United States is to have effective representation on the Executive Board, one of whose functions is "to act as the executive organ of the Health Assembly",²⁹ the United States Representative should be a qualified public-health expert. Therefore, the new feature with regard to 10 years active practice introduced by the House Committee might, conceivably, exclude a high proportion of doctors of medicine, with less than 10 years active practice, who have attained distinction

in public health, preventive medicine, and medical research, all of which are fields of primary interest to WHO.⁵⁰

Action moved swiftly at this stage. On May 20, 1948, the House Committee reported H. Res. 602⁵¹ to provide for, and make in order, the expeditious consideration by the House of H. J. Res. 409, the rewritten version of H. J. Res. 161 which this Committee had tabled. On May 28, 1948, the Rules Committee's resolution, confining the debate on the new measure to one hour, was agreed to by the House, which acted quickly thereafter in passing H. J. Res. 409.⁵² To save precious time, however, Representative Judd then asked unanimous consent for the immediate consideration of a similar Senate joint resolution, S. J. Res. 98.⁵³ Since there was no objection, the Clerk read S. J. Res. 98, whereupon Representative Judd offered an amendment, in effect incorporating the new features of H. J. Res. 409 into the Senate joint resolution. S. J. Res. 98 then passed the House, as amended, and by unanimous consent the proceedings by which H. J. Res. 409 was passed were vacated and this House measure laid on the table. The amendment of S. J. Res. 98 by the House meant, of course, reference of the measure to a committee of conference, representing both houses of Congress, following the disagreement of the Senate to the amendment. The conference committee met and submitted its report⁵⁴ on June 4, 1948. Four days later, both houses of Congress agreed to the report,⁵⁵ thus completing final legislative action.

5. *Public Law 643*

On June 14, 1948, President Truman signed S. J. Res. 98, which became Public Law 643. That same day the President issued the following statement:

I have today signed a Joint Resolution providing for the U.S. membership and participation in the World Health Organization. I have at the same time signed the Instrument of Acceptance of the Constitution of the World Health Organization, which will immediately be sent to the United Nations for deposit.

In view of the long history of effective international cooperation in the field of health which spares us the haunting fear of devastating epidemics of cholera and plague, we can look to the World Health Organization with hope and expectation. While performing its humane service, it will at the same time contribute to general economic improvement through the progressive development of healthy, alert, productive manpower. The

world economy is seriously burdened, and unnecessarily, by malaria, tuberculosis and other controllable diseases.

The World Health Organization can help contribute substantially to the attainment of the healthy, vigorous citizenry which the world needs so badly today as tomorrow.

I am proud to have signed this Joint Resolution which makes it possible for the United States to continue its leadership in this important work. In the technical field of health we hold today a pre-eminent position. We must and will give freely of our great knowledge to help liberate men everywhere from the overhanging dread of preventable disease. In doing so through the World Health Organization we once again testify to our faith in the United Nations as the great instrument for reaching these goals of common understanding and mutual helpfulness among nations which alone can lead to peace and security for all peoples.⁵⁶

The chief features of Public Law 643 are:

1. Authorization for the President to accept membership for the United States in WHO (sec. 1);
2. Mandate to the President to designate the delegates and alternates to sessions of the Organization's World Health Assembly and the United States Representative to the Executive Board of WHO (whenever the United States becomes entitled to designate a person to serve on the Board) (sec. 2);
3. Such Representative is to be designated by and with the advice and consent of the Senate and must be a graduate of a recognized medical school and have spent not less than three years in active practice as a physician or surgeon (sec. 2);
4. A proviso for investigation as to loyalty and security by the Federal Bureau of Investigation of the delegates, alternates, and Representative (sec. 2);
5. Authorization of an annual appropriation not to exceed 1,920,000 dollars per annum for payment of the United States share of WHO's expenses (sec. 3(a)) and a limitation of 83 thousand dollars for the fiscal year beginning July 1, 1947, to cover expenses incident to participation.⁵⁷
6. A proviso reserving the right of the United States, in the absence of any provision in the WHO constitution for withdrawal, to withdraw from WHO on a one-year notice (sec. 4); and
7. A statement that it is the understanding of Congress that nothing in the WHO constitution commits the United States to enact any specific legislative program (sec. 5).

6. Action of First World Health Assembly

In view of the provision in section 4 that the United States reserves its right to withdraw from WHO, the Secretariat of the United Nations informed Dr. Brock Chisholm, Executive Secretary of the Interim Commission of WHO, that the Secretary-General of the United Nations was not in a position to determine whether the United States had become a party to the WHO constitution and that therefore the Secretary-General would refer the United States acceptance to the First World Health Assembly and would be guided by the Assembly's action with respect to the matter.³⁸ The thorny question raised by the withdrawal provision was disposed of by the Assembly when on July 2, 1948,³⁹ it unanimously accepted the United States as a member of WHO, thus paving the way for full participation by the United States in a wide field of human improvement.⁴⁰

On July 13, 1948, Dr. Yuen-Li Liang, the director of the Legal Department of the United Nations, acting on behalf of the Secretary-General of the United Nations, notified the Secretary of State of the admission of the United States to WHO in the following words:

... I have the honour to inform you that I have been notified by the Executive Secretary of the Interim Commission of the World Health Organization that on 2 July 1948 the World Health Assembly unanimously approved the admission of the United States of America as a Member of the World Health Organization.

In accordance with Article 82 of the Constitution, the Secretary-General will notify all States parties to the Constitution of the World Health Organization that the United States of America is considered to be a party to the said Constitution as from 21 June 1948, the date of deposit with the Secretary-General of the United Nations of its instrument of acceptance.⁴¹

The Constitution of the International Labor Organization (ILO) Instrument of Amendment, 1946

1. Necessity for Revision

The ILO was established in 1919, pursuant to provisions of the peace treaties negotiated at the end of World War I, in the belief that universal and lasting peace can be established only if it is based on social justice, that conditions of labor which involve injustice, hardship, and privation may produce unrest so great as to imperil the peace and harmony of the world, and that the

failure of any nation to adopt humane conditions of labor is an obstacle in the way of other nations which desire to improve conditions in their own countries. The United States became a member of the Organization on August 20, 1934, when the President, exercising the authority conferred on him in Public Resolution 43, 73d Congress, 2d session, approved June 19, 1934, accepted an invitation to membership tendered by the International Labor Conference.⁴² Since then, the United States has played an important part in ILO activities and has made substantial contributions to its budget.

Although the end of World War I witnessed the creation of the Organization, necessity for the remodeling of the ILO constitution to bring it in line with social conditions in the postwar world and with the new structure of international organization was apparent long before the end of World War II. Consideration was given the problem at the Twenty-sixth Session of the International Labor Conference in Philadelphia in 1944, which adopted a declaration defining the aims and purposes of the ILO. Constitutional revision was again discussed in Paris in 1945 and in 1946 was studied by a tripartite Conference delegation which had been instructed to prepare a report on all aspects of the question. Following the recommendations of the Conference delegation, the instrument of amendment, comprising a comprehensive revision of the ILO constitution, was adopted by a unanimous vote of the Twenty-ninth Session of the International Labor Conference at Montreal on October 9, 1946.⁴³

The significant constitutional changes⁴⁴ may be grouped as follows:

- (a) Those determining the relations between the ILO and the United Nations and the various other international organizations
- (b) Those clarifying the obligations of states members as to conventions and recommendations adopted by the Conference
- (c) Regional arrangements
- (d) Colonial arrangements
- (e) Those strengthening the role of the Governing Body
- (f) Those relating to Conference procedure, and

(g) Those clarifying the special position of federal states.⁴⁵

2. Department of State's Proposal to Congress

On May 8, 1947, during the First Session of the Eightieth Congress, Secretary of State Marshall addressed letters to the President *pro tempore* of the Senate (Senator Vandenberg) and to the Speaker of the House of Representatives (Representative Martin) which were of major importance to the growing participation of the United States in international organization. Together with these letters, there were enclosed a draft joint resolution authorizing the President to accept on behalf of the United States the revised constitution of the ILO which had been adopted at Montreal, a memorandum explaining the purposes of the proposed legislation and the necessity therefor, and copies of letters on the subject from the delegates who represented the employers and workers of the United States respectively at the Twenty-ninth Session of the International Labor Conference.⁴⁶

3. Action by Senate and House Committees

The Senate Foreign Relations Committee acted with dispatch on this legislative proposal, for only 10 days later it reported out to the Senate without amendment S. J. Res. 117, "Providing for acceptance by the United States of America of the Constitution of the International Labor Organization Instrument of Amendment, and further authorizing an appropriation for payment of the United States share of the expenses of membership and for expenses of participation by the United States", substantially as drafted by the Department of State.⁴⁷ On June 2, 1947, S. J. Res. 117 passed the Senate, with no debate necessary.⁴⁸

The following day the measure was referred to the House Foreign Affairs Committee and on July 24, 1947, was reported out, with amendments. Both Committees recognized that the Congress was faced with a legislative proposal which would authorize the United States to participate and contribute to a revitalized international organization, geared to modern social and organizational developments, whose work is of especial significance to the United States, having, as it does, the highest standards in economic and social affairs.⁴⁹ The House Committee recast S. J. Res. 117 to include (1) a fixed dollar

limitation of 550 thousand dollars as the United States share authorized to be contributed to ILO and also a limitation of 95 thousand dollars to cover expenses incident to participation,⁵⁰ and (2) the addition of a new section:

SEC. 3. No person shall serve as representative, delegate, or alternate from the United States until such person has been investigated as to loyalty and security by the Federal Bureau of Investigation; and no citizen of or resident in the United States shall participate in any session, conference, or meeting, or other work of the International Labour Organization or of any subordinate committee or organization thereof without the consent of the Secretary of State.⁵¹

These amendments were in line with the House amendments to S. J. Res. 98, the WHO measure, which, as we have seen, had been reported out by the House earlier, on July 17, 1947. In this respect, therefore, S. J. Res. 117 may be considered the companion piece of S. J. Res. 98 (WHO).

4. Final Action—Second Session

On June 14, 1948, the motion of Representative Jackson (California) to suspend the rules and pass S. J. Res. 117, with amendments, was voted on favorably by the requisite two thirds.⁵² Again, as in the case of WHO, Senator Vandenberg's motion, on June 15, 1948, that the Senate disagree to the amendment of the House and requesting a conference with the House on the disagreeing votes of the two houses thereon was agreed to.⁵³ The following day the House agreed to a conference. The conference committee met, and on June 17, 1948, the conference report was approved by both houses of Congress, thus completing the necessary legislative action.⁵⁴

5. Public Law 843

S. J. Res. 117 was approved by the President on June 30, 1948, and became Public Law 843,⁵⁵ which contains the following important provisions:

(a) Authorization for the President to accept for the United States the constitution of the ILO instrument of amendment, 1946 (sec. 1);

(b) Authorization of an annual appropriation not to exceed \$1,091,739 per annum for payment of the United States share of ILO's expenses (sec. 2(a)) and a limitation of 95 thousand dollars per annum to cover expenses incident to participation (sec. 2(b)); and

(c) A statement that "No person shall serve as representative, delegate or alternate from the United States until such person has been investigated as to loyalty and security by the Federal Bureau of Investigation" (sec. 3).

It is interesting to note that no provision was incorporated similar to sec. 3 of Public Law 643 (Who), requiring the advice and consent of the Senate with respect to United States representation, nor any statement with regard to not committing the United States to enact any specific legislative program (sec. 5, Public Law 643). Of significance, too, is the absence in the law, as in the case of Who, of the provision with respect to the Secretary of State's consent to participation by a citizen or resident of the United States in the activities of the Organization.

III. ACTION INITIATED AND COMPLETED DURING SECOND SESSION

International Telecommunication Union (ITU)

"The whole concept of the specialized agency", as has been well expressed, "is based on the conviction that peace cannot be maintained indefinitely by nothing more than procedures for settling international disputes and stopping aggression, essential as they are . . .".⁵⁶ The world organization charted at San Francisco is, of course, the agency which has topmost responsibility for the maintenance of international peace and security. But the Charter of the United Nations itself recognizes that conditions of stability, cooperation, and well-being must be created if peaceful and friendly relations among nations are to be secured and that toward the achievement of this goal the specialized agency can render special service.⁵⁷ Though it may be agreed that the ITU does not have "wide international responsibilities", the Union does, nevertheless, serve as a striking illustration of the role of the specialized agency in a major area of intergovernmental cooperative effort of a technical nature. Thus, article 1 of the agreement between the United Nations and the International Telecommunication Union provides for the recognition by the United Nations of the ITU ". . . as the specialized agency responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purposes set forth therein".⁵⁸

1. Atlantic City Telecommunication and Radio Conferences

At the Five Power Preliminary Telecommunication Conference held in Moscow, September–October 1946, the Representatives of China, France, the United Kingdom, the Union of Soviet Socialist Republics, and the United States agreed that the existing telecommunication convention, signed at Madrid on December 9, 1932, and its appended radio regulations, signed at Cairo on April 8, 1938, required urgent revision in the light of technical developments in the telecommunication field and of problems resulting from dislocations of war.⁵⁹ Particular attention was paid to proposed reorganization of the constitution and structure of the ITU, the oldest international governmental organization in existence, having its foundation in the old International Telegraph Union organized at Paris in 1865.⁶⁰ Thus, the details governing the convening of the conferences which were to follow in Atlantic City in 1947 were decided upon in advance and much of the ground work had already been laid.

The International Telecommunication Conference met at Atlantic City from July 2 to October 2, 1947, and the International Radio Conference met from May 16 to October 2, 1947, the former Conference to revise or replace the Madrid convention and the latter to revise the Cairo radio regulations.⁶¹

The following nongovernmental organizations were represented at the Radio Conference: International Radio Electric Committee, International Radio Maritime Committee, Commercial Telegraphers Union, American Broadcasting Association, International Air Transport Association, International Amateur Radio Union, International Broadcasting Organization, International Broadcasting Union, International Chamber of Commerce, International Federation of Radio Officers, International Shipping Conferences, International Shipping Federation, and Radio Officers Union. The rules of procedure for the Plenipotentiary Conferences permitted observers representing these organizations to attend sessions of the Conference but not to participate in the discussions.

The accomplishments of the two Conferences have been fully discussed elsewhere.⁶² They are, in summary, as follows:

(1) RADIO CONFERENCE

(a) Adoption of a world-wide frequency-allocation table extending up to 10,500,000 kilocycles (the table established by the Cairo conference extended only up to 30,000).

(b) Creation of the International Frequency Registration Board (IFRB), a permanent board of 11 experts.

(c) Creation of the Provisional Frequency Board (PFB) for the purpose of putting the new allocation table into effect, composed of the 11 IFRB experts plus national members from any countries desirous of being represented on the PFB.

(2) TELECOMMUNICATION CONFERENCE (CENTERED ON REORGANIZATION OF THE ITU)

(a) Adoption of the concept of the Plenipotentiary Conference as the supreme organ of the Union, to meet every 5 years and to have the ultimate responsibility for all ITU affairs.

(b) Reorganization and enlargement of the Bureau of the ITU, which is to become the General Secretariat, with increased responsibilities.

(c) Adoption of the principle of one vote for each member of the Union, to which the United States attached great importance.

(d) Constituting of the Union's international consultative committees (telegraph (Ccrr), radio (CcIR), and telephone (CcIF)) as permanent organs of the Union.

(e) Setting up of an administrative council, meeting at least once a year, thus providing a continuity of functioning between Conferences.

(f) As is the procedure in the United Nations, adoption of Chinese, English, Russian, and Spanish, in addition to French, as the official languages of the Union.

(g) Establishment of a new basis for membership in the Union, taking account of the resolution of December 12, 1946, of the General Assembly of the United Nations concerning Franco Spain.^{**}

(h) Conclusion of the agreement between the United Nations and the International Telecommunication Union, bringing the ITU into relationship with the United Nations (referred to above).

2. The Senate's Advice and Consent to Ratification

When President Truman on February 17, 1948, transmitted to the Senate for its advice and con-

sent to ratification a copy each of the international telecommunication convention, with annexes, the final protocol to the convention, and the radio regulations annexed to the convention, it was thus possible for the Chief Executive to enclose a report of the Secretary of State to the President covering the accomplishments, among others, which have been noted. In addition, the President was careful to point out that:

In the event that the Senate advises and consents to ratification of the convention, final protocol, and radio regulations, it is requested that the Senate do so with the understanding that such ratification will be subject to the declarations which were made by the delegates of the United States in signing the convention and which are set forth in the final protocol to the convention, namely: Signature of this Convention for and in the name of the United States of America constitutes, in accordance with its constitutional processes, signature also on behalf of all territories of the United States of America.

The United States of America formally declares that the United States of America does not, by signature of this Convention on its behalf, accept any obligation in respect of the Telegraph Regulations, the Telephone Regulations, or the Additional Radio Regulations referred to in Article 13 of the Atlantic City Convention.*

On the floor of the Senate, Senator Vandenberg, in presenting the instruments to the Senate on June 2, 1948, stated:

Mr. President, the distinguished Senator from Maine [White] had hoped to be present to make a brief statement regarding this treaty. He, I think we can all concede, is the best-informed man in the Senate in respect to the subject matter involved in the treaty, the subject matter being the revision of the Madrid Convention, the reconsideration of the Cairo radio regulations, the establishment of an international high-frequency broadcasting organization, and the allocation of frequencies to the services of high-frequency broadcasting. An orderly system of international rule and practice, which would give assurance of the largest and most efficient use of radio internationally with a minimum of interference and friction in the use of the available airways, is the matter involved.

I am very sure that the chairman of the committee would be at a total loss to understand the technicalities of the treaty even if it were explained for days. Therefore, the action which he recommends to the Senate is based upon the same reasons which he believes justify the Senate in accepting the treaty. I make this simple statement in respect to it.

The Senator from Maine, at the conclusion of his report, which is the report I sent to every Senator last week end, certifies as follows:

"No governmental agency opposes ratification of this treaty, and I know of no American commercial interest which has raised its voice against ratification. There is an extraordinary unanimity of view among all interests

that the Senate should take prompt and affirmative action. I urge this course upon the committee and upon the Senate."

Mr. President, I know the Senate Foreign Relations Committee felt—a feeling which I am sure the Senate will share—that when the Senator from Maine was willing to devote his recuperating strength during the last three weeks to a careful study of this treaty, the judgment of the Senator from Maine on a subject of this nature was of paramount value, and in view of a total lack of opposition either in public or by private interests in the United States in respect to this area of action, I believe the Senate will be of opinion that the Senator's approval of the treaty, which may perhaps be his final formal act in connection with his distinguished public service, deserves the ratification which the committee itself has given.

Mr. President, I submit that the treaty is entitled to be ratified.⁶⁸

Following the reading of the resolution of ratification by the Senate legislative clerk, the resolution was agreed to, and thereby the Senate gave its advice and consent to the ratification by the President of the instruments, which he subsequently signed on June 18, 1948.⁶⁹

Article 49 of the international telecommunication convention (concluded in Atlantic City on October 2, 1947) provides that the convention shall enter into force on January 1, 1949, with regard to countries and territories which have ratified or adhered to the convention by that date.⁷⁰ The Iru has, nevertheless, already begun to focus its attention on the bodies established and the procedures set up by the Atlantic City conferences, which have so well brought the Union up to date on telecommunication and on developments in the maturing field of international organization.

United Nations Headquarters Loan (Responsibility of the Host)

On February 20, 1948, when President Truman transmitted his report to the Eightieth Congress concerning the activities of the United Nations and the participation therein of the United States during the calendar year 1947, he made the following remarks of prime significance to the future of the United Nations:

The problem of financing construction of the headquarters in a war-torn, dollar-short world economy was a difficult one on which the Advisory Committee on Headquarters held several discussions during the summer, following exploration of this problem by the Secretary-General. It soon became apparent that, owing to the critical dollar shortage, it would not be possible to finance the construction out of dollar contributions to be made by

the Member nations during the next few years. The possibilities of raising the money through private loans were carefully explored. This solution, however, turned out to be impracticable for a number of reasons. Under the most satisfactory arrangement that was proposed, the loan would cover only part of the cost so that a substantial cash contribution would still have to be made by Members. Protection of the legal position of the lenders would involve difficult arrangements with respect to waiver of the United Nations immunity from suit and additional complications in architectural planning to satisfy the lenders that the buildings would be adaptable for other use in the theoretical contingency of a foreclosure. Moreover, there were indications that many Members would consider it inconsistent with the prestige of the United Nations if it were under obligations to private financial interests.

In view of the complications involved in private financing, the members of the Advisory Committee (the United States Representative abstaining from the discussion) unanimously requested the Secretary-General to approach the United States Government regarding the possibility of its making a loan.

In determining whether a loan should be made, consideration was given to the advantages, including not only savings in our participation and other economic factors but facilitation of our work in the United Nations, which the United States derives from the location of the permanent headquarters of the United Nations in this country.

In view of all the circumstances, it seemed that the United States could well afford as a recognition of the material as well as intangible benefits accruing to the United States from location of the United Nations on its shores, not only to make a loan to the United Nations for the construction of the headquarters, but to waive any interest on such a loan. Accordingly, Ambassador Austin was authorized to inform the Secretary-General, on behalf of the President, that the President would request the Congress to authorize such a loan without interest. This offer was accepted unanimously by the General Assembly on November 20, *on the express understanding that it was subject to the requisite authorization of the Congress*. At the date of this report, a loan agreement is being negotiated with the United Nations for submission to the Congress.⁷¹ [Italics supplied by the author.]

1. Antecedents to the Proposal⁷²

The following discussion of sequence of events describes in fuller detail the background of, and necessity for, the loan agreement described in the President's report:

1. EARLY STEPS. The United Nations Charter, adopted at San Francisco on June 26, 1945, left the location of the United Nations headquarters to the General Assembly. Unanimously, on December 10 and 11, 1945, the House of Representatives and the Senate of the United States invited the United Nations to locate its seat and permanent headquarters in the United States. (House Con-

current Resolution 75, 79th Congress, First Session). The invitation was accepted by the General Assembly in February 1946.

2. **SELECTION OF NEW YORK.** Throughout 1946 the United Nations committee investigated various sites in the United States, particularly New York, Philadelphia, San Francisco, and Boston. It finally decided to accept a gift offer of an area in midtown New York made available by John D. Rockefeller, Jr., and by the city of New York. On February 26, 1947, the Congress of the United States exempted the gift from gift taxes. (Public Law 7, 80th Congress, First Session). The first meeting of the Headquarters Advisory Committee was held under the chairmanship of Ambassador Warren R. Austin in January 1947.

3. **THE HEADQUARTERS AGREEMENT.** An agreement covering the establishment of a permanent headquarters of the United Nations upon the New York site and also providing for the control of the headquarters was negotiated and signed between the United States and the United Nations on June 26, 1947. On August 4, 1947, both Houses of Congress unanimously authorized the President to bring the headquarters agreement into effect. (Public Law 357, 80th Congress, First Session.)

4. **THE QUESTION OF A LOAN.** The construction of the permanent headquarters⁷⁰ of the United Nations was suspended until a formula for financing such construction could be found, since the dollar shortage made it impracticable for most of the Members of the United Nations to make cash contributions. Thus, the Headquarters Advisory Committee of the United Nations General Assembly was faced with a major initial problem of deciding the best available means of obtaining a loan to finance the construction. A private loan was found to be out of the question, since even the most favorable terms available would still require Members to put up dollars that they did not have, and the necessity of clearing building plans with the lenders so as to insure the adaptability of the structures for other use in event of foreclosure was an additional impediment. Also, such a loan was thoroughly investigated and found to be beyond the statutory authorization of the Export-Import Bank and the Reconstruction Finance Corporation and beyond the powers of the International Bank for Reconstruction and Development.⁷¹ Accordingly, the idea of financing through a United

States Government loan was developed, in the following steps:

(a) August 29, 1947: Unanimous decision by the Headquarters Advisory Committee (the United States Representative abstaining) to request the Secretary-General to approach the United States Government regarding the possibility of a loan to finance the construction of the proposed headquarters.

(b) October 22, 1947: Dispatch of letters by the Acting Secretary of State to the chairmen and the senior minority members of the Committee on Foreign Affairs and the Committee on Banking and Currency of the House of Representatives and of the Committee on Foreign Relations, the Committee on Finance, and the Committee on Banking and Currency of the Senate, stating the intention of the United States Government to offer an interest-free loan to the United Nations to facilitate the headquarters building program and inviting comment in advance of the offer.

(c) October 29, 1947: Reply to the Secretary-General signed by Ambassador Austin, Representative of the United States, stating, in part:

The Government of the United States would be prepared to enter into negotiations with the Secretary-General of the United Nations with a view to concluding a loan agreement whereby an interest-free United States Government loan would be made available for the purpose of financing all or part of the cost of constructing the United Nations headquarters. It would be the understanding of my Government that such a loan would be for an amount not exceeding \$65,000,000. Further, it is understood that the loan would be extended for a period to be determined by negotiation with the Secretary-General and would be repayable in annual installments from the ordinary budget of the United Nations.

Such a loan would, of course, require the approval of the United States Congress. The President of the United States would be willing to request the approval of such a loan by the Congress upon conclusion of negotiations between the Secretary-General and my Government. It is assumed that the General Assembly will at this session make the necessary decisions and give the necessary authorizations required to proceed with the construction and financing of the headquarters.

(d) November 20, 1947: Adoption by the General Assembly of a resolution authorizing the Secretary-General to negotiate a loan consistent with the indicated terms and contingent upon congressional approval and appropriations.

(e) November 21, 1947: Exchange of notes between the Secretary-General of the United Nations

and Ambassador Austin bringing into effect the United Nations headquarters agreement.

(f) February 13, 1948: Dispatch of letters by the Under Secretary of State to the chairmen and the senior minority members of the Committee on Foreign Affairs and the Appropriations Committee of the House of Representatives and of the Committee on Foreign Relations and the Appropriations Committee of the Senate, setting forth in detail the terms of the headquarters loan agreement and all developments antecedent to it, stating the United States intention to sign the agreement and again inviting comment.

(g) February 25, 1948: Decision by the Headquarters Advisory Committee to advise the Secretary-General to execute the draft loan agreement.

On March 23, 1948, the headquarters loan agreement, referred to by the President in his report to the Congress on United States activities in the United Nations for 1947, was signed by Trygve Lie, Secretary-General of the United Nations, representing the Organization, and by Ambassador Austin, on behalf of the United States.

2. Congressional Action

On April 7, 1948, the President transmitted the agreement to the Second Session of the Eightieth Congress. In the message transmitting the agreement, the President stated in part:

I transmit herewith for the consideration of the Congress an agreement between the United States and the United Nations concerning a loan of \$65,000,000, without interest, to be made by the United States to the United Nations to finance the construction of the permanent headquarters of the United Nations in the United States. I also enclose a letter from the Acting Secretary of State regarding this agreement.

It is my hope that the Congress will carefully consider this proposal and grant its approval. The construction of the permanent headquarters of the United Nations will be tangible evidence to the world that the United States is supporting to the full the institution to which the peoples of all nations are looking as their best hope for freedom from the fear of war.⁷³

On May 4, 1948, Senator Ives introduced S. J. Res. 212, authorizing the President to bring the loan agreement into effect on the part of the United States. The resolution was referred to the Senate Committee on Foreign Relations. The Committee unanimously reported the resolution to the Senate without amendments, on June 15, 1948.⁷⁴ The principal arguments supporting the Committee's approval of the loan were:⁷⁵

1. It is essential to United States prestige and leadership in the United Nations;

2. It will greatly improve the operations of the United Nations by providing it with efficient headquarters;

3. By making the loan, the Federal Government would be responding to the substantial expenditures already undertaken by the city of New York with respect to the headquarters;⁷⁶

4. Adequate security for the loan is guaranteed by a lien on the headquarters buildings in favor of the United States;

5. The loan will serve as concrete evidence of United States full support of the United Nations; and

6. It will constitute a vote of confidence for the United Nations at a critical time in its history.

Three days later, S. J. Res. 212 was passed by the Senate, with two amendments proposed by Senator Ives authorizing the construction of the headquarters building to proceed through the borrowing of not in excess of 25 million dollars from the Reconstruction Finance Corporation, as an advance, until such time as the appropriation is actually made. The incorporation of these amendments was intended to enable the United Nations to proceed with its headquarters construction with as little delay as possible.⁷⁷

On the House side, Representative Javits had introduced H. J. Res. 386, the companion resolution to S. J. Res. 212, as early as April 26, 1948. The measure was referred to the House Committee on Foreign Affairs that day, and there it was placed in a one-package bill, H. R. 6802, together with three other legislative proposals being considered by the Committee at the time, all sharing the common objective of strengthening the United Nations.⁷⁸ On June 9, 1948, the House Foreign Affairs Committee reported out H. R. 6802, but at the time Congress adjourned conditionally pursuant to H. Con. Res. 218, on June 20, 1948,⁷⁹ the measure had not received final congressional action. Thus, when President Truman reconvened the Congress on July 26, 1948, the House of Representatives had an opportunity to act on S. J. Res. 212, which, it will be remembered, had passed the Senate previously. The House Committee on Foreign Affairs reported out S. J. Res. 212 on August 3, 1948.⁸⁰ Two days later, the measure passed the House, under suspension of the rules

which allow 40 minutes of general debate but preclude amendments.⁵⁴

During the debate, Representative Javits pointed out the considerations in favor of the loan in the following words, in part:

Mr. Speaker, the American people have shown in numerous polls and otherwise that they are overwhelmingly behind the United Nations as the world's best and perhaps last chance for peace.

Mr. Speaker, the resolution before the House today is an effort to clothe those words with actions and to redeem the prestige and authority of the United States, especially with reference to the invitation that was extended to the United Nations by giving it a suitable home here.

I invite any member of the Congress to go out to the United Nations headquarters at Lake Success and see the "salt mine" in which they work—most of the staff, especially the personnel in the lower echelons, work in an abandoned factory building without natural light or air for most of the personnel. Then, to say whether or not we are acting as host to the world's great hope for peace or suitably accommodating the assemblage of nations which by our invitation is located in the United States.

As to the merits of the loan itself; the loan will be repaid out of the regular budget of the United Nations. I do not think that has been made clear. The United States contributes not most of the money but only about 40 percent to that budget. The reason for the loan having been made interest free is as a straight *quid pro quo* on a business basis. Income from the expenditures in the United States of the United Nations delegations and others who come here to the United Nations is estimated at about \$20,500,000 a year. If the question had been: "Shall the United Nations headquarters be paid for outright by a special levy on the United Nations?" would it not have been logical to suppose that the United States would have been asked for a greater proportion of the amount than is shown by its contribution to the normal administrative budget of the United Nations? Let us say the United States would have been asked for at least 60 percent, and with some justice. Instead of paying more than our share of the administrative budget then, into a special building fund, we are making an interest-free loan.

One final point: Would it not be anomalous for us, as has been said by the gentleman from Michigan, to be spending billions of dollars for armament, and then to bridle at 65 million dollars, a loan with adequate security, which we are asked to make in the cause of peace; and in the

cause of enabling the institution for peace to have a haven in the one place in the world where we know it will be safe, in the United States? Are we not a generous enough host to extend to the United Nations Organization which is here in response to our own invitation in which the hope for peace of hundreds of millions of people is wrapped up, just that degree of hospitality?"

3. Provisions of Public Law 903

Public Law 903 authorizes the President, following appropriation of 65 million dollars by Congress, or the advance of up to 25 million dollars by the Reconstruction Finance Corporation, to bring the loan agreement into effect on the part of the United States. The money is to be used solely for the construction of the United Nations headquarters in New York City, including necessary architectural and engineering work, landscaping, underground construction, and appropriate improvements. The loan is to be interest free, and repayment is to be made in annual installments, beginning July 1, 1951 (approximate date the United Nations will be installed in its new home), and ending July 1, 1982. Under the schedule of repayments, half of the loan is expected to be repaid by July 1, 1966. No financial risk is involved, for section 6 of the loan agreement makes it clear that the loan is in the nature of a first mortgage; so long as any part of the loan is unpaid, the United Nations must obtain the consent of the United States before disposing of or encumbering any of the property involved.⁵⁵

Through the national legislative process action was thus completed which will prove to be a tangible, visible symbol of the unwavering support of the United Nations by its host Member. The enactment of S. J. Res. 212 into law was greeted with great enthusiasm at Lake Success, for by its action the United States has not only made it possible for the United Nations to establish a home here but has also given continuing evidence of the confidence we place in the Organization which is striving to keep the world in security and at peace.

NOTE: Parts IV, V, and VI of this article and an appendix of selected texts of related documents will appear in the BULLETIN of Sept. 19, 1948.

FOOTNOTES

⁵⁴ Sheldon Z. Kaplan, *Eighthieth Congress, First Session, and the United Nations* (Department of State publication 2982).

⁵⁵ *Ibid.*, p. 3. The invitation was issued through the medium of H. Con. Res. 75, 79th Cong., 1st sess. For text, see appendix, BULLETIN of Sept. 19, 1948.

⁵⁶ The Second Session convened Jan. 6, 1948, and adjourned June 20, 1948, until noon, Dec. 31, 1948, or until recalled by the president *pro tempore* of the Senate, the speaker of the House of Representatives, the acting majority leader of the Senate, and the majority leader of the House of Representatives, acting jointly (H. Con. Res.

FOOTNOTES—Continued

218; text printed in *Cong. Rec.*, June 21, 1948, p. 9517, almost identical with S. Con. Res. 33, 80th Cong., 1st sess., which provided for the adjournment of the First Session of the Eightieth Congress on July 27, 1947, until Jan. 2, 1948). As in the case of the First Session (reconvened by the President of the United States Nov. 17, 1947, by proclamation of Oct. 23, 1947; see appendix, BULLETIN of Sept. 19, 1948), the President, exercising his constitutional power, proclaimed and declared "that an extraordinary occasion requires the Congress of the United States to convene at the Capitol" on July 26, 1948 (Proclamation 2796, issued July 15, 1948; see appendix, BULLETIN of Sept. 19, 1948). Neither reconvening by the President is, properly speaking, a call of a "special session" of Congress. In both cases Congress recessed. It did not adjourn *sine die*; therefore, President Truman's recalls were simply a reconvening of the First Session and of the Second Session, respectively. Noteworthy, however, is the constant reference to the joint session of the two houses of Congress as "special session" in the President's message on July 27, 1948 (see *Cong. Rec.*, July 27, 1948, pp. 9502-94). For an excellent analysis of the whole subject of special session, see the memorandum submitted by the Federal Law Section, Library of Congress, to the Senate Committee on the Judiciary, printed in *Cong. Rec.*, Nov. 17, 1947, pp. 10696-97. The First Session adjourned *sine die* Dec. 19, 1947. The Second Session adjourned Aug. 7, 1948, until Dec. 31, 1948, pursuant to H. Con. Res. 222, again under a special agreement permitting the Republican leadership to reconvene the Congress should conditions warrant (*Cong. Rec.*, Aug. 7, 1948, pp. 10278, 10415; text of H. Con. Res. 222, p. 10412).

* Legislation which has not been enacted into law during the first session of a Congress retains at the commencement of the second session the same relative position that it had when the first session adjourned. Pending legislation dies only at the end of a Congress, not at the end of a session.

* Kaplan, *op. cit.*, p. 16. See also Emil J. Sady, "Report on the South Seas Conference: With an Analysis of the Agreement Establishing the South Pacific Commission," BULLETIN of Mar. 16, 1947, p. 459. The full text of the agreement together with a "Resolution Concerning Immediate Projects" will be found in South Seas Commission Conference Papers, doc. P/18, Feb. 6, 1947.

* The scale of contributions is based on national income, prospective national interest in and benefit from the Commission, and the administrative responsibility in the South Pacific of the respective governments. The percentage contributed, pursuant to article XIV of the agreement establishing the South Pacific Commission, is as follows: Australia, 30; France 12.5; the Netherlands, 15; New Zealand, 15; the United Kingdom, 15; and the United States, 12.5. (See also *United States Relations with International Organizations*, S. Rept. 1757, 80th Cong., 2d sess., pp. 25-26.) The original legislative proposal, as drafted by the Department of State and submitted to the speaker of the House of Representatives and the president *pro tempore* of the Senate, did not contain the specified ceiling of \$20,000 to be appropriated as the U.S. share of Commission expenses. The reason for not specifying any

definite amount, but simply stating that "There is hereby authorized to be appropriated . . . such sums as may be necessary: (a) for the payment by the United States of its proportionate share of the expenses of the Commission . . .", was to make it unnecessary to seek amending legislation in case of an increase some subsequent fiscal year in the U.S. proportionate share of Commission expenses (italics supplied by author). Moreover, the Department of State must each year justify before the Appropriations Committees of both houses of Congress appropriations for participation in international organizations. Thus, it was felt the authorizing legislation should be drafted in such a way as to make it unnecessary to seek new enabling legislation, which would be required, in order to authorize a possible future increase. Legislation proposed by the Department of State authorizing membership in the World Health Organization, Pan American Railway Congress, Ilo, and Caribbean Commission and acceptance of the constitution of the International Labor Organization instrument of amendment likewise contained no specification of amount. But the attitude of the House Foreign Affairs Committee on these legislative proposals was against such omission. Hence, these measures all contain a fixed dollar limitation.

* Art. XXI of the agreement provides that the Governments of Australia, the French Republic, the Kingdom of the Netherlands, New Zealand, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall become parties to the agreement by: (a) signature without reservation; or (b) signature *ad referendum* and subsequent acceptance. Since the representative of the Government of the United States had signed the agreement at Canberra on Feb. 6, 1947, *ad referendum*, such notification of acceptance was necessary. The agreement does not take effect with respect to a state signing *ad referendum* until the deposit of the instrument of ratification, in conformity with its constitutional procedure (Hackworth, *Digest of International Law*, vol. V (1943), pp. 46-47). See South Seas Commission Conference Papers, doc. P/18, Feb. 6, 1947, p. 10. Art. XXI also provides that the Government of Australia shall on behalf of all participating governments register the agreement with the Secretariat of the United Nations pursuant to art. 102 of the U.N. Charter. See also BULLETIN of Feb. 15, 1948, p. 214.

* See, in general, *Proceedings of the South Pacific Commission, First Session*, with annexes thereto.

* With the deposit by the Netherlands of its instrument of ratification on July 29, 1948, the agreement establishing the South Pacific Commission came into force.

* Kaplan, *op. cit.*, pp. 15-16. This technical amendment is similar to the one described in connection with the South Pacific Commission.

* See *Cong. Rec.*, Feb. 2, 1948, p. 885: "Mr. TAFT. Mr. President, I made an objection to this resolution on several occasions when it was reached on the calendar. I wish to withdraw my objection. I have gone into the whole matter of the Caribbean Commission. I think the work it is doing is good, and I hope there will be no further objection to the resolution."

FOOTNOTES—Continued

"The PRESIDENT pro tempore. If the Chair may be permitted to say so, he would like to thank the Senator from Ohio for withdrawing his objection. The resolution involves a very modest sort of an adventure. It involves only cooperative civil relationships in the Caribbean area, and it is a matter with which our Latin-American friends are greatly concerned. . . .".

¹⁸ The U.S. contribution to the Caribbean Commission is based on the following: one third of the budget is assessed equally among the member governments, one third is assessed on the basis of population, and the remaining one third is assessed on the basis of national income of members. The resulting percentage quotas are: France, 16; Netherlands, 11.3; United Kingdom, 34.3; and United States, 38.4. See *United States Relations with International Organizations*, S. Rept. 1757, 80th Cong., 2d sess., p. 25.

¹⁹ See Kaplan, *op. cit.*, p. 16, note 83.

²⁰ BULLETIN of July 4, 1948, p. 19.

²¹ "Report on the West Indian Conference," by Elizabeth H. Armstrong, *ibid.*, May 19, 1948, p. 845.

²² An account of the events leading up to and including the activities of the Eightieth Congress, First Session, with regard to WHO will be found in Kaplan, *op. cit.*, pp. 10-13.

²³ Cong. Rec., July 7, 1947, p. 8493. The clause "in the absence of any provision in the World Health Organization for withdrawal from the Organization", which had appeared in the Senate committee's amendment, was stricken out by the Senate, upon amendment offered by Senator Vandenberg (later, as we shall see, to be restored).

²⁴ S. Rept. 421, 80th Cong., 1st sess., p. 7.

²⁵ Cong. Rec., July 3, 1947, p. 8447.

²⁶ 13th plenary sess. See U.N. doc. E/772, Mar. 11, 1947, pp. 32-33.

²⁷ Dr. H. van Zile Hyde, *World Health Organization—Progress and Plans* (Department of State publication 3126), pp. 14-15. This publication is an excellent survey of WHO's progress and plans and contains a selected bibliography which should prove of considerable value. Art. 100 of the U.N. Charter reads:

"1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

"2. Each member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities."

²⁸ BULLETIN of June 27, 1948, p. 832. See also *United States Treaty Developments* (Department of State publication 2851), under "July 22, 1946, TIAS 1561".

²⁹ H. Rept. 979, 80th Cong., 1st sess., pp. 3-4. See also Cong. Rec., May 28, 1948, p. 6914.

³⁰ WHO is the first specialized agency of the U.N. of which the U.S. has not, as of the date of this writing, been a member at the time of entry into force of its basic instrument (Hyde, *op. cit.*, p. iv).

³¹ See H. Rept. 1999, 80th Cong., 2d sess., p. 2.

³² ". . . one of the safeguards put in at the insistence of members of the Committee on Rules" (Cong. Rec., May 28, 1948, p. 6912).

³³ Thus excluding the possibility of any moral obligation of passing domestic legislation to give effect to the WHO preamble declaration that ". . . Governments have a responsibility for the health of their peoples which can be fulfilled only by the provision of adequate health and social measures" (text of the preamble is set forth in Hyde, *op. cit.*, p. 11).

³⁴ Art. 11 (*ibid.*, p. 12).

³⁵ The functions of the Executive Board are set forth in art. 28 of the WHO constitution (*ibid.*, p. 14).

³⁶ Assuming, of course, an interpretation of "active practice as a physician or surgeon" as excluding practice in the field of public health.

³⁷ This resolution is as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H. J. Res. 409) providing for membership and participation by the United States in the World Health Organization and authorizing an appropriation therefor. That after general debate, which shall be confined to the joint resolution and continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the reading of the joint resolution for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

³⁸ The following House parliamentary steps taken that day to achieve this result may be worth recording here: (1) House agreed to H. Res. 602; (2) Rep. Bolton moved that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of H. J. Res. 409 (the House agreed to this action); (3) House resolved itself into the Committee of the Whole House on the State of the Union, with Rep. Barrett as Chairman of this Committee; (4) the Committee considered H. J. Res. 409, with practically no opposition voiced to the measure following Rep. Judd's explanatory remarks thereon; (5) The Speaker *pro tempore* of the House, Rep. Halleck, resumed the chair, whereupon Rep. Barrett, the Chairman of the Committee of the Whole House on the State of the Union, reported H. J. Res. 409 to the House; (6) H. J. Res. 409 thereupon passed the House. (See Cong. Rec., May 28, 1948, pp. 6911-6.)

³⁹ S. J. Res. 98, which it will be recalled had passed the Senate July 7, 1947, had been referred to the House Committee on Foreign Affairs the following day.

⁴⁰ H. Rept. 2197, 80th Cong., 2d sess. Text of the report is also set forth in Cong. Rec., June 4, 1948, p. 7335.

⁴¹ Cong. Rec., June 8, 1948, pp. 7510, 7626.

FOOTNOTES—Continued

^{**} BULLETIN of July 18, 1948, p. 80. Cf. the interesting comment on the U. N. and WHO contained in *Cong. Rec.*, July 29, 1948, p. A4948.

^{**} The Eightieth Congress has imposed a statutory dollar limitation in its enabling legislation on expenses of U.S. participation (salaries of U.S. representatives and staff, allowances, printing and binding, etc.) in the case of only two other international organizations: the ILO (Public Law 146, 80th Cong., 1st sess., sec. 3 (b)) and ILO (Public Law 843, 80th Cong., 2d sess., sec. 2 (b)), discussed post. Significant is the actual appropriation of \$1,915,000 by the Congress for fiscal year 1949 as the U.S. contribution to the budget of WHO (Second Deficiency Appropriation Act, 1948, Public Law 785, 80th Cong., 2d sess., p. 23). For actual appropriations made to other international organizations, see also Public Law 793, 80th Cong., 2d sess., p. 5, and Public Law 597, 80th Cong., 2d sess., pp. 4-6.

^{**} U.N. press release H/233, June 21, 1948. Under art. 75 of the WHO constitution (Hyde, *op. cit.*, p. 18) the World Health Assembly is a competent body to settle any question concerning the application or interpretation of the WHO constitution.

^{**} The First World Health Assembly met in Geneva from June 24 through July 24, 1948. For a survey of its accomplishments, see *United Nations Bulletin* of Aug. 15, 1948, pp. 636-37.

^{**} BULLETIN of July 4, 1948, p. 16.

^{**} UN LEG. 82/2/01/AL, July 13, 1948. Art. 82 of the WHO constitution provides that "The Secretary-General of the United Nations will inform States parties to this Constitution of the date when it has come into force. He will also inform them of the dates when other States have become parties to this Constitution" (Hyde, *op. cit.*, p. 18).

^{**} See *The Treaty of Versailles and After—Annotations of the Text of the Treaty* (Department of State publication 2724), pp. 692-95.

^{**} See S. Rept. 208, 80th Cong., 1st sess., pp. 3-4. For a comparison of the text of the ILO constitution as it existed on Oct. 9, 1946, with the text of the new constitution of the ILO instrument of amendment, see *International Labour Office Bulletin*, vol. XXIX, Nov. 15, 1946, pp. 204-53. An outline of the old structure will be found in *International Agencies in which the United States Participates* (Department of State publication 2699), pp. 215-25.

^{**} See *International Labour Review*, vol. LV, Jan.-Feb. 1947, pp. 1-45, for review of conference accomplishments, and the article by the legal adviser of ILO, C. W. Jenks, "The Revision of the Constitution of the International Labour Organization", in *The British Yearbook of International Law*, XXIII, 1946 (Oxford University Press, London), p. 303.

^{**} Of particular importance to such federal states as the United States, Canada, and Australia. See H. Rept. 1057, 80th Cong., 1st sess., p. 6.

^{**} *Ibid.*, pp. 8-13.

^{**} S. Rept. 208, 80th Cong., 1st sess.

^{**} *Cong. Rec.*, June 2, 1947, pp. 6302-07.

^{**} H. Rept. 1057, 80th Cong., 1st sess., pp. 5-6, and S. Rept. 208, 80th Cong., 1st sess.

^{**} See note 37, *supra*.

^{**} H. Rept. 1057, 80th Cong., 1st sess., p. 2.

^{**} *Cong. Rec.*, June 14, 1948, pp. 8254-55.

^{**} *Ibid.*, June 15, 1948, p. 8548.

^{**} *Ibid.*, June 17, 1948, pp. 8721, 8845. See H. Rept. 2384, 80th Cong., 2d sess.

^{**} Public Law 843, 80th Cong., 2d sess. See appendix, BULLETIN of Sept. 19, 1948.

^{**} "The General Conference of UNESCO, Paris", by Esther C. Brunauer, BULLETIN of May 25, 1947, p. 1019.

^{**} Art. 57 of the U. N. Charter provides that specialized agencies, established by intergovernmental agreement and having wide international responsibilities as defined in their basic instruments in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the U. N., and that such agencies shall be referred to as "specialized agencies". Art. 63 of the Charter provides, in part, that Ecosoc (Economic and Social Council of the U. N.) may enter into agreements, subject to subsequent U. N. General Assembly approval, with any of these agencies bringing them into relationship with the U. N. The specialized agencies, in the sense of arts. 57 and 63, are, as of this writing: ILO (International Labor Organization), FAO (Food and Agriculture Organization of the United Nations), UNESCO (United Nations Educational, Scientific and Cultural Organization), ICAO (International Civil Aviation Organization), the Bank (International Bank for Reconstruction and Development), the Fund (International Monetary Fund), UPU (Universal Postal Union), ITU (International Telecommunication Union), and WHO (World Health Organization). Other organizations expected to become "specialized agencies" shortly are: ITO (International Trade Organization), IMCO (Intergovernmental Maritime Consultative Organization), WMO (World Meteorological Organization), and INO (International Refugee Organization), despite the fact that the last-named agency is, under its constituent instrument, a *temporary organization*. An excellent review of the work of the specialized agencies during 1947 will be found in *United Nations Bulletin*, Jan. 1, 1948, pp. 15-31.

^{**} S. Exec. B, 80th Cong., 2d sess., p. 80. The agreement was negotiated pursuant to art. 57 of the U.N. Charter and art. 26 of the 1947 ITU convention drawn up in Atlantic City. The most distinguishing feature of the U.N.-ITU agreement is art. XV, whereby the U.N. undertakes to operate its telecommunication services in accordance with the provisions of the 1947 convention and regulations annexed thereto. The ITU moreover recognized that the U.N. should benefit by the same rights as members of the union which operate telecommunication services.

^{**} *Ibid.*, p. 3. See also BULLETIN of May 25, 1947, p. 1034, and "The Atlantic City Telecommunication Conferences," by Francis Colt de Wolf, *ibid.*, Nov. 30, 1947, p. 1033.

^{**} The structure of the ITU, as it existed before the Atlantic City conferences, is outlined in *International Agencies in which the United States Participates*, Department of State publication 2699, pp. 265-66. A more detailed analysis of the structure will be found in De Wolf, *op. cit.*, p. 1034.

FOOTNOTES—Continued

⁴ In addition there was held the International High Frequency Broadcasting Conference, which met from Aug. 26 to Sept. 26, 1947. This was a preparatory conference designed to pave the way for the consideration of a worldwide frequency-assignment plan at a full conference to be held in Mexico City in 1948.

⁵ De Wolf, *op. cit.*, p. 1033. See also excerpt from the report of the U.S. Delegation to the conferences, contained in S. Exec. B, 80th Cong., 2d sess., pp. 379-89 (the complete report is now being printed as a Department of State publication).

⁶ By this resolution, the General Assembly recommended, in part, "that the Franco Government of Spain be debarred from membership in international agencies established by or brought into relationship with the United Nations, and from participation in conference or other activities which may be arranged by the United Nations or by these agencies, until a new and acceptable government is formed in Spain" (U.N. doc. A/64/Add.1, Jan. 31, 1947, pp. 63-64).

⁷ S. Exec. B, 80th Cong., 2d sess., pp. 1-2.

⁸ *Cong. Rec.*, June 2, 1948, p. 7143.

⁹ BULLETIN of June 27, 1948, p. 841.

¹⁰ S. Exec. B, 80th Cong., 2d sess., p. 45.

¹¹ *The United States and the United Nations, Report by the President to the Congress for the Year 1947* (Department of State publication 3024), pp. 85-86.

¹² S. Rept. 1682, 80th Cong., 2d sess., p. 2, and H. Rept. 2291, 80th Cong., 2d sess., pp. 22-24. See also Kaplan, *op. cit.*, pp. 3-7; the remarks of Sen. Ives in *Cong. Rec.*, May 4, 1948, pp. 5348-49; and *Annual Report of the Secretary-General On the Work of the Organization, 1 July 1947-30 June 1948*, U.N. doc. A/565, 1948, pp. 131-33.

¹³ The temporary headquarters of the United Nations are located in a converted factory at Lake Success, Long Island, where the space is cramped and in large part unsuitable for office use. The General Assembly meets in the New York State Building at the old World Fair grounds, about 20 minutes' drive away. Both buildings are far from hotels, with the result that delegates have to spend many hours commuting to and from New York City.

¹⁴ The International Bank was established primarily for the purpose of the reconstruction and development of the territories of members of the Bank devastated by the war. A loan for the purpose of constructing the headquarters of the United Nations would seem not to fall easily within the purposes for which the Bank was established. Art. III, sec. 1, of the articles of agreement of the International

Bank, providing that the resources and the facilities of the Bank are to be used exclusively for the benefit of members of the Bank, might raise a question as to whether a loan to the United Nations, whose membership is considerably broader than that of the Bank, would be for the benefit of the members of the Bank. See *United Nations Monetary and Financial Conference* (Department of State publication 2187), p. 72.

¹⁵ H. Doc. 595, 80th Cong., 2d sess., pp. 1-2.

¹⁶ S. Rept. 1682, 80th Cong., 2d sess.

¹⁷ *Ibid.*, pp. 10-11. For editorial comments on the loan prior to the Committee's approval, see *Cong. Rec.*, June 1, 1948, pp. A3608-09.

¹⁸ See letter from N.Y. City Mayor's Committee on the United Nations Headquarters to Speaker of the House Martin in *Cong. Rec.*, June 10, 1948, pp. A3898-99.

¹⁹ *Ibid.*, June 18, 1948, pp. 8910-11. There was no debate on S. J. Res. 212, nor was any objection voiced to Sen. Ives' amendments.

²⁰ H. Rept. 2291, 80th Cong., 2d sess., p. 2. H. R. 6802, a bill "To strengthen the United Nations and promote international cooperation for peace," included the following other legislative proposals: Amendment of the United Nations Participation Act of 1945 (Public Law 274, 79th Cong., 1st sess.), secs. 1 through 6 and sec. 10 (a); convention on privileges and immunities of the United Nations (S. J. Res. 136, passed by the Senate July 17, 1947), sec. 8; and authorizing the lending of U.S. Government personnel to and performance of services by agencies of the U.S. Government for the U.N. and other international organizations, sec. 7. The legislative proposal authorizing the U.N. loan was contained in sec. 9 and 10 (b).

²¹ See note 3, *supra*.

²² H. Rept. 2452, 80th Cong., 2d sess.

²³ *Cong. Rec.*, Aug. 5, 1948, pp. 10048-57. On Aug. 4, 1948, the House adopted, by a vote of 216 yeas to 122 nays, H. Res. 707, making in order motions to suspend the rules, for recess, and for consideration of reports from the Committee on Rules for the balance of the second session of the 80th Congress (*Cong. Rec.*, Aug. 4, 1948, pp. 9917-27), thus permitting the passage of a bill without amendments after 40 minutes' debate, with a two-thirds majority required for passage. S. J. Res. 212 was considered and passed in the House pursuant to this procedure. It was approved by the President Aug. 11, 1948, and became Public Law 903. For text, see appendix, BULLETIN of Sept. 19, 1948.

²⁴ *Cong. Rec.*, Aug. 5, 1948, p. 10053.

²⁵ For detailed analysis of the loan agreement, see S. Rept. 1682, 80th Cong., 2d sess., pp. 3-6, and H. Rept. 2452, 80th Cong., 2d sess., pp. 7-10.

COMMERCIAL FOREIGN POLICY OF THE UNITED STATES

by Woodbury Willoughby

Chief, Division of Commercial Policy

The charter for an International Trade Organization, which was signed by 53 nations at Habana in March of this year and is now awaiting ratification, has been termed, "A Declaration of Economic Peace". This international organ is designed to provide a medium through which the world can work cooperatively to cut away the accumulated restrictions which have snarled peacetime international trade. The basic objective of the charter is to facilitate the flow of commerce.

American foreign-trade policy has its roots deep in the basic philosophy of the founders of this Nation. In many respects, notably our efforts to eliminate discrimination, the basic principles of our commercial policy have changed little through the years. A committee of the Continental Congress prepared the "Plan of 1776" which represents the basic concepts of our economic foreign policy. As early as 1778, in our treaty with France, each nation accorded to the other any privileges granted any third nation. In the Jay treaty of 1794 Great Britain and the United States agreed to establish commercial relations on a nondiscriminatory basis. Washington, when he warned in his Farewell Address that "our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences", expressed our historical policy.

With only minor variations nondiscrimination has been a keystone of our commercial policy ever since Secretary of State Hughes announced in 1923 that the most-favored-nation principle, without qualification, would be followed in commercial agreements of the United States. The Trade Agreements Act, which was originally passed in 1934 and has since been renewed by Congress five times, is the statutory basis for all our tariff negotiations in recent years. It specifically requires that any tariff reduction made under authority of the act be extended unconditionally and imme-

dately to all countries not discriminating against the United States. Agreements have been concluded with 42 countries under the provisions of this act.

The objective of the Ito charter epitomizes the basic principles which have underlain a series of treaties, agreements, and other international instruments to which the United States has become a party since the outbreak of World War II. These principles may be found in the Atlantic Charter of 1941; in the lend-lease agreements; in the articles of agreement of the International Monetary Fund and the International Bank for Reconstruction and Development in 1944; in the Anglo-American financial agreement in 1945; in the Economic Co-operation Act of 1948; and in various other international documents. They are also to be found in our recent treaty of friendship, commerce, and navigation with China. They are incorporated in other commercial treaties already in effect as well as in a number now under preparation or negotiation. All of these documents spell out in clear and unmistakable terms the desire of the United States to make international trade as unhampered and nondiscriminatory as possible.

It is not merely accidental that the United States has taken an active part in sponsoring the formation of the International Trade Organization. The basic requirement of the principal commercial-policy provisions of the charter for an International Trade Organization is that all members agree to extend to all other members unconditionally "any advantage, favour, privilege or immunity" accorded to any other member country on any product. Certain preferences, such as those between territories related by a common sovereignty or between specified neighboring states, are exempt. However, all members agree to carry on negotiations to reduce tariffs and eliminate preferences. In general, no preferences can be increased nor can new ones be added. Furthermore, the benefits

resulting from these reductions in tariffs and preferences must not be offset by the imposition of internal taxes, regulations, or other invisible forms of protection.

Probably the most important provisions of the charter are those which prohibit the imposition of quantitative restrictions limiting the volume of exports and imports and having the effect of nullifying the tariff and preference reductions. Since such restrictions throttle competition and foster economic isolationism, the charter renounces the concept and strictly limits the use of such controls.

There are a number of exceptions to the ban on quantitative restrictions, including one authorizing their use on agriculture or fisheries products when such measures are needed to implement government measures for limiting domestic production and marketing or to facilitate surplus-disposal programs. The most important exception to the basic rule against quota restrictions is that when a member is faced with balance-of-payments difficulties, as evidenced by a serious decline in its monetary reserves, or the need to increase its already low reserves, it may impose quantitative import restrictions.

Members are enjoined from using trade restrictions to frustrate the exchange provisions of the articles of agreement of the International Monetary Fund or applying exchange controls that would nullify the provisions of the charter relating to quantitative restrictions. Members of the Ito either must become members of the International Monetary Fund or enter into a special exchange agreement with that organization. Ito members must also furnish necessary information to the Fund if they do not belong to the Fund organization.

The charter, as agreed to at Habana last spring by representatives of 53 countries, provides that if any member pays a subsidy to increase exports it must notify the Ito and agree to negotiate with any member which believes itself to be injured thereby. Countervailing duties on imports of products which are subject to export subsidies by another member are permitted as defenses against subsidies.

Another section of the charter deals with state trading. Countries carrying on trade through state enterprises are required to conduct their commerce in a nondiscriminatory fashion. Members of the Ito must have equal opportunity in trade

with state-trading agencies, and those agencies are to be guided by commercial rather than political considerations.

Another provision on commercial policy requires members to eliminate, so far as possible, restrictive business practices fostering private monopolistic control of international markets and trade. It is evident that if governments are to be stopped from engaging in harmful trade practices, private business should be prevented from accomplishing the same result by different means.

Members are obligated to take measures conducive to the achievement of full and productive employment within their respective domains, which includes action to eliminate substandard conditions of labor. The charter does not go beyond laying down the goals toward which the members should move, because specific measures to be undertaken must be appropriate to the political, economic, and social institutions of the respective members.

Members agree to develop their own resources and to raise their standards of productivity. They also agree to cooperate with other countries through the medium of international agencies for the purpose of promoting general economic development. The charter provides that members will not place any unreasonable impediments to the exportation of facilities used for development purposes, and such facilities will not be used in a manner injurious to the member providing them. Foreign investment must be given equitable treatment and adequate protection.

The decision as to what industries are to be developed will continue to rest with the individual countries. Subsidies are permitted when needed for new industries. Unless the member has signed a trade agreement not to raise the duties on specified products, further tariff protection may be accorded.

In the latter case, the member must request the Ito to consult with the other members whose trade would be affected by the action and must obtain a limited release. The same procedure must be followed in imposing quotas. The charter makes it incumbent upon all members to deviate as little as possible from the basic policy of the program it enunciates.

Although the basic objectives of our foreign commercial policy have changed little throughout our history, there has been a major orientation in

the matter of tariff duties. The changed position of the United States from a debtor to an active creditor country created a strong motive to reverse the trend toward higher and higher tariffs in favor of selective reductions through negotiation with other countries. Under the reciprocal trade agreements program the tariff rates on a large percentage of our dutiable imports have been reduced.

This process of reducing our tariff rates in exchange for compensating concessions by other countries was carried a long step forward by negotiations at Geneva in 1947. While the drafting of the charter for an International Trade Organization was in process at Geneva in the spring and summer of 1947 more than a score of the participating countries undertook to give concrete evidence of the sincerity of their belief in the principles of the charter by undertaking simultaneous negotiations to reduce tariffs and other trade barriers.

At the Geneva conference the representatives of 23 countries were able to negotiate reductions in barriers to world trade on the most comprehensive scale ever undertaken. There were almost six months of continuous negotiating which required over 1,000 formal meetings and an even greater number of less formal discussions. The delegates agreed to tariff concessions covering products which account for almost half the world's imports, and at the same time they worked out general rules of trade to safeguard and make these concessions effective. They dealt with trade controls of all kinds—not only tariffs but also preferences, quotas, internal controls, customs regulations, state trading, and subsidies.

It was not only the volume of world trade affected by this conference which made these activities of such striking importance, but also the fact that such comprehensive trade negotiations were conducted on a multilateral basis. The general articles on matters affecting international commerce were worked out as a joint effort. The initial discussions of tariff negotiations were undertaken product by product between the principal supplier and the principal importer, but, once a concession was agreed upon, that concession was automatically extended to all negotiating countries.

The so-called general provisions of the General Agreement on Tariffs and Trade prevent a coun-

try, by discrimination or otherwise, from nullifying tariff concessions. In a sense they are a code of fair competition for the conduct of international trade. They are similar to some of the provisions in the proposed charter and to the general provisions of our own reciprocal trade agreements. The general agreement has provisionally replaced some of the individual reciprocal trade agreements which the United States already had with a number of the negotiating countries, but it is not a complete substitute for the ITO charter.

In addition to its leadership in developing the charter, the United States is also broadening the scope of its treaties of friendship, commerce, and navigation, which are the basic bilateral instruments that define our treaty rights in foreign countries. Some of these treaties are more than 100 years old. The China treaty, already referred to, is representative of the newer spirit of these treaties of friendship, commerce, and navigation. Among the major improvements is a clear definition of both the rights of American corporations in China and the rights of Americans participating in Chinese corporations. For the most part the rights provided in the treaty are mutual. There is a new provision specifying the treatment that must be accorded in the administration of exchange controls. The treaty also limits the use of quantitative controls and lays down rules to govern state trading, as do the charter and Geneva agreement. There are provisions designed to facilitate the settlement of commercial disputes by arbitration.

Through the International Monetary Fund, the United States, recognizing the relationship of trade and currency, is helping to provide an instrument for monetary stabilization and thus to reduce this hazard in the flow of goods across national boundaries. Through the International Bank, it is participating in, among other things, the promotion of "the long-range balanced growth of international trade" and the encouragement of foreign investment. The United States has consistently sought a multilateral approach to both the technical and the commercial aspects of civil aviation.

Since the United States is the world's richest market from the standpoint of both exports and potential imports it is particularly significant to world recovery that the United States has been willing to take the lead in reducing barriers to

the international flow of commerce. The strong United States sponsorship of institutions such as the Ito and our willingness to cooperate in the reduction of tariffs will facilitate the fruition of the European Recovery Program. The other countries participating in the program have declared that they "are prepared to play their full part" in reduction of tariffs in accordance with Ito principles, and some of these countries participated in the negotiations at Geneva in 1947; others have more recently agreed to enter into negotiations for this purpose.

Our participation in the drafting of the charter for an International Trade Organization; our treaties of friendship, commerce, and navigation; our trade agreements; our participation in the International Bank and the International Fund; and our part in the preparation of the European Recovery Program—all give clear evidence that we have laid a good ground work for more liberalized international commerce. We have broken away from the narrow economic isolationism which confined a large part of the world after World War I, and we have encouraged some of the other leading trading nations to establish more liberal commercial policies.

The United States Government finds it highly encouraging that so many other countries are showing their willingness to refrain from freezing certain restrictive and hampering trade practices into permanence and to join with this country in aiming at broader, more liberal, and more equitable policies in international commerce. This is of special importance as we move forward with the European Recovery Program. The principles enunciated in the charter of the Ito are complementary to the objectives of the program for European economic recovery. Though the emphasis in the recovery program is on the immediate crisis, the goal is to achieve, by 1951, a measure of equilibrium that will assure for the future a satisfactory degree of economic stability and an adequate basis for continuing economic development. The European Recovery Program recognizes that European industries must be rehabilitated and that Europe must become self-supporting. This does not mean that Europe must become self-sufficient in the Hitler sense. She has not been so in

the past and will not be so in the future. Climate and lack of adequate supplies of raw materials make it impossible for her to produce everything she needs. Even as Europe moves forward toward normalcy she must continue to have large imports and sustain herself by multilateral trade.

In the long run, the only way Europe can import is by exporting sufficient goods and services to pay for these imports. Trade must be a two-way street. In other words, it becomes axiomatic under the European Recovery Program that international trade must be facilitated, and instruments like the charter of the Ito will do just that. The reduction of tariff barriers and the expansion of non-discriminatory trade relations will assist Europe to find the means of balancing her accounts with us. The tariff reductions which have been made since the war should have increasing benefits. As productive capacity in other countries is restored, they will be in a position to expand exports to the United States of goods which they produce most efficiently. Balance-of-payments difficulties should disappear, and American exporters will obtain the full benefits of duty reductions obtained in trade agreements.

The people of the United States, acting through Congress, have yet to decide whether they wish this country to ratify the charter and join the Ito when it comes into existence. Although provision has been made for initiating the European Recovery Program, the current appropriation will be used up in a few months, and we must make the decision as to whether we will make available sufficient additional funds to implement the program fully and make possible the rehabilitation of Europe through this mechanism. The Trade Agreements Act expires next June and must be renewed if we are to continue our program for expanding international commerce through the reduction of trade barriers.

The United States does not dare now to drop its mantle of leadership in promoting and expanding world trade on a nondiscriminatory basis. If we turn back—or even falter—at this point the advances made thus far will be seriously jeopardized, if not completely lost. If in our lifetime we are to see a stable world, we must build on the firm foundation of international cooperation which we have helped to lay.

THE UNITED NATIONS AND SPECIALIZED AGENCIES

United Nations Day, October 24, 1948

Statement by Secretary Marshall

[Released to the press September 7]

It is our great hope that October 24 will become a day of significance in the history of civilization. On that date in 1945, the United Nations was brought into being as an international organization. The purposes defined in the Charter were agreed upon at a time when the thoughts of people throughout the world were concentrated on the hope for a lasting peace, for the elimination of war as a method of settling disputes. sorrowful and tragic memories dominated the thinking of mankind. The casualties and overwhelming destruction of modern war were current events. As war memories dim, we find ourselves less mindful of the sober resolve which went into the making of this great organization. United Nations Day is to remind us that the maintenance of the peace and freedom we long for require persistent effort and constant vigilance on our part.

No government or people can rightfully claim to have entirely fulfilled the purposes and principles of the Charter. A common effort is required to save succeeding genera-

tions from the scourge of war, to redefine the fundamental human rights, to establish conditions under which justice and respect for obligations can be maintained. If we in America cannot show a final accomplishment, we can nevertheless demonstrate honest and persistent effort.

The use we make of United Nations Day is the important consideration. Perfunctory observance of the Charter will not suffice. The value of this occasion will best be realized through the effort of each individual to reaffirm his fidelity toward the United Nations and its purpose.

I have appointed the National Citizens Committee to promote the observance of the Day. I urge all persons and agencies of the people to make this a day of reaffirmation of belief in the United Nations. Specifically, a day to reread the Charter, refresh our memories as to its terms, and renew our determination to prevent the recurrence of the tragedy of war by adherence to its principles. The United Nations is our great hope for a world of peace.

Third Regular Session of the General Assembly

SUPPLEMENTARY LIST OF AGENDA ITEMS¹

1. Permanent invitation to the Director-General of the Organization of American States to assist at the sessions of the General Assembly: item proposed by Argentina.
2. Permanent missions to the United Nations: item proposed by Bolivia.
3. Creation of a sub-commission of the Social Commission of the Economic and Social Council on the study of the social problems of the aboriginal populations of the American Continent: item proposed by Bolivia.

4. Appointment to fill vacancy in the membership of the Committee on Contributions in replacement of Dr. Jan Papanek: item proposed by Czechoslovakia.

5. Appointment to fill vacancy in the membership of the Advisory Committee on Administrative and Budgetary Questions in replacement of Dr.

¹ U.N. doc. A/629, Sept. 1, 1948; see also BULLETIN of Aug. 8, 1948, p. 173, in which is printed the provisional agenda, U.N. doc. A/585 of July 23, 1948.

THE UNITED NATIONS AND SPECIALIZED AGENCIES

Jan Papanek: item proposed by Czechoslovakia.

6. Refugees and displaced persons.

- (a) Problem of refugees and displaced persons: item proposed by Poland.
- (b) Repatriation, resettlement and immigration of refugees and displaced persons: report of the Economic and Social Council.

7. Discriminations practised by certain States against immigrating labour, and in particular against labour recruited from the ranks of refugees: item proposed by Poland.

8. Discriminations practised by certain States in international trade obstructing normal development of trade relations and contrary to the Purposes and Principles of the United Nations Charter: item proposed by Poland.

9. Problem of wasting food in certain countries: item proposed by Poland.

10. Question of Franco Spain—implementation of the resolutions and recommendations of the General Assembly of 12 December 1946 (resolution 39 (I)) and of 17 November 1947 (resolution 114 (II)): item proposed by Poland.

11. Declaration of old age rights: item proposed by Argentina.

12. Transfer to the United Nations of functions and powers exercised by the League of Nations under the International Convention relating to economic statistics signed at Geneva on 14 December 1928: item proposed by the Economic and Social Council.

13. Draft international declaration of human rights: item proposed by the Economic and Social Council.

14. Advisory social welfare services: item proposed by the Economic and Social Council.

15. Draft Protocol to bring under control drugs outside the scope of the Convention of 13 July 1931 for limiting the manufacture and regulating the distribution of narcotic drugs, as amended by the Protocol signed at Lake Success on 11 December 1946: item proposed by the Economic and Social Council.

16. Transfer to the United Nations of the functions exercised by the French Government under the Agreement of 18 May 1904 and the Convention of 4 May 1910 for the suppression of the white slave traffic and under the Agreement of 4 May 1910 for the suppression of obscene publications: item proposed by the Economic and Social Council.

17. Report of the Executive Board of the International Children's Emergency Fund: item proposed by the Economic and Social Council.

18. Agreements with specialized agencies: item proposed by the Economic and Social Council.

- (a) International Refugee Organization.
- (b) Intergovernmental Maritime Consultative Organization.

19. Verbatim records.

(a) Records of the Economic and Social Council: item proposed by the Economic and Social Council.

(b) Records of the Trusteeship Council: item proposed by the Trusteeship Council.

20. Transfer to the United Nations of the residual assets of the United Nations Relief and Rehabilitation Administration: item proposed by the Secretary-General.

U. S. DELEGATION

Following is the United States Delegation to the Third Session of the General Assembly of the United Nations opening at Paris, September 21, 1948:

Representatives

George C. Marshall, Secretary of State (When it is possible for him to attend, will serve as Senior United States Representative on the Delegation. In his absence, Ambassador Austin will serve as Senior United States Representative.)

Warren R. Austin, United States Representative to the United Nations and Representative in the Security Council, Ambassador

John Foster Dulles

Mrs. Franklin D. Roosevelt

Philip C. Jessup, Deputy United States Representative in the Security Council

Alternate Representatives

Benjamin V. Cohen

Ray Atherton

Willard L. Thorp, United States Representative in the Economic and Social Council, Assistant Secretary of State for Economic Affairs

Ernest A. Gross, The Legal Adviser, Department of State
Francis B. Sayre, United States Representative in the Trusteeship Council, Ambassador

Advisors

Harding F. Bancroft, Acting Chief, Division of United Nations Political Affairs, Department of State
Donald C. Blaidsell, Special Assistant to the Director, Office of United Nations Affairs, Department of State

Charles E. Bohlen, Counselor, Department of State
William I. Cargo, Acting Assistant Chief, Division of Dependent Area Affairs, Department of State
Frank P. Corrigan, Adviser, United States Mission to the United Nations

Lt. Gen. W. D. Crittentenger, United States Army, United States Representative on the Military Staff Committee, United States Mission to the United Nations
John K. Emmerson, Foreign Service Officer, Department of State

Dorothy Fosdick, Assistant to the Director, Office of European Affairs, Department of State

THE UNITED NATIONS AND SPECIALIZED AGENCIES

William A. Fowler, Foreign Service Officer, United States Mission to the United Nations
Lt. Col. Harrison Gerhardt, United States Army
Benjamin Gerig, Deputy United States Representative in the Trusteeship Council, Chief, Division of Dependent Area Affairs, Department of State
Col. Philip H. Greasley, United States Air Force
William O. Hall, Director, Office of Budget and Planning, Department of State
Lt. Gen. H. R. Harmon, United States Air Force, United States Representative on Military Staff Committee, United States Mission to the United Nations
Adm. H. K. Hewitt, United States Navy, United States Representative on Military Staff Committee, United States Mission to the United Nations
Harry N. Howard, Division of Greek, Turkish, and Iranian Affairs, Department of State
James N. Hyde, United States Mission to the United Nations
Louis K. Hyde, Jr., United States Mission to the United Nations
Joseph E. Jacobs, Foreign Service Officer, Department of State
Howard C. Johnson, Jr., Chief, Division of International Security Affairs, Department of State
Ridgway B. Knight, Foreign Service Officer, Department of State
Samuel K. C. Kopper, Special Assistant to the Director, Office of Near Eastern and African Affairs, Department of State
Robert I. Kull, International Administration Staff, Office of United Nations Affairs, Department of State
Cecil B. Lyon, Foreign Service Officer, Department of State
Edward P. Maffitt, Foreign Service Officer, United States Mission to the United Nations
John Maktos, Assistant Legal Adviser, Department of State
Col. Pierre Mallett, United States Army, United States Mission to the United Nations
Marcia Maylott, Office of the Legal Adviser, Department of State
Leonard C. Meeker, Office of the Legal Adviser, Department of State
Comdr. G. A. O'Connell, Jr., United States Navy, United States Mission to the United Nations
Frederick H. Osborn, Deputy United States Representative on the Atomic Energy Commission and Commission for Conventional Armaments, United States Mission to the United Nations
David H. Popper, Assistant Chief, Division of United Nations Political Affairs, Department of State
G. Hayden Raynor, Special Assistant to the Director, Office of European Affairs, Department of State
Harry Clinton Reed, Foreign Service Officer, Department of State
Col. H. E. Rogner, United States Air Force, United States Mission to the United Nations
John C. Ross, Deputy to the United States Representative to the United Nations, United States Mission to the United Nations
Dean Rusk, Director, Office of United Nations Affairs, Department of State
Durward V. Sandifer, Deputy Director, Office of United Nations Affairs, Department of State
Capt. Harold P. Smith, United States Navy
Eric Stein, Division of United Nations Political Affairs, Department of State
Leroy D. Stinebower, Deputy United States Representative in the Economic and Social Council, Special Assistant to the Assistant Secretary of State for Economic Affairs, Department of State
Henry S. Villard, Foreign Service Officer, Department of State

S. Walter Washington, Foreign Service Officer, Department of State
Francis O. Wilcox, Chief of Staff, Committee on Foreign Relations, United States Senate

Principal Executive Officer

Donald C. Blaisdell, Special Assistant to the Director, Office of United Nations Affairs, Department of State

Deputy Principal Executive Officer

David H. Popper, Assistant Chief, Division of United Nations Political Affairs, Department of State

Assistants to the Delegates

Brig. Gen. Marshall S. Carter, Special Assistant to the Secretary, Department of State

William H. A. Mills, Special Assistant to the United States Representative to the United Nations, United States Mission to the United Nations

Malvina Thompson, Assistant to Mrs. Roosevelt

David M. Wainhouse, Associate Chief, Division of United Nations Political Affairs, Department of State, Assistant to Mr. Dulles

Assistants

Elizabeth Ann Brown, International Administration Staff, Office of United Nations Affairs, Department of State

Betty C. Gough, International Administration Staff, Office of United Nations Affairs, Department of State

Col. A. H. Luehman, United States Air Force, United States Mission to the United Nations

Secretary General

Richard S. Winslow, Secretary General, United States Mission to the United Nations

Deputy Secretary General

Thomas F. Power, Jr., Deputy Secretary General, United States Mission to the United Nations

Special Assistant

Lee B. Blanchard, Special Assistant to the Secretary General, United States Mission to the United Nations

Information Officer

Porter McKeever, Public Information Adviser, United States Mission to the United Nations

Assistants

Mallory Browne, Public Affairs Officer, United States Information Service

Robert T. Pell, Public Affairs Officer, United States Information Service

Gilbert Stewart, United States Mission to the United Nations

Public Liaison Officer

Chester S. Williams, Public Liaison Officer, United States Mission to the United Nations

Communications Officer

Woodford B. McCool, United States Mission to the United Nations

Administrative Officer

Louis F. Bohmrich, United States Mission to the United Nations

Current United Nations Documents: A Selected Bibliography¹

General Assembly

Official Records of the Second Part of the First Session of the General Assembly

First Committee, Political and Security Questions including Regulation of Armaments. Summary Record of Meetings; 2 November-13 December 1946. xv. 228 pp. printed. \$3.50.

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—Part II. Summary Records of Meetings of Subcommittee 1, 15 November-10 December 1946. xii. 284 pp. printed. \$3.00.

Fifth Committee, Administrative and Budgetary Questions. Summary Records of Meetings, 1 November-13 December 1946. xviii. 343 pp. printed. \$3.75.

Sixth Committee, Legal Questions. Summary Record of Meetings 2 November-13 December 1946. xvi. 368 pp. printed. \$4.50.

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[Alaska, American Samoa, Guam, Puerto Rico]. A/567, July 23, 1948. 34 pp. mimeo.

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¹ Printed materials may be secured in the United States from the International Documents Service, Columbia University Press, 2960 Broadway, New York City. Other materials (mimeographed or processed documents) may be consulted at certain designated libraries in the United States.

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—301st and 302nd Meetings. 22 May 1948. No. 72. 66 pp. printed. 70¢.

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—321st Meeting. 16 June 1948. No. 85. 25 pp. printed. 25¢.

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—328th Meeting. 1 July 1948. No. 91. 35 pp. printed. 35¢.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

Conference To Consider Free Navigation of the Danube

REJECTION OF SOVIET DRAFT CONVENTION: POSITION OF U.S. GOVERNMENT¹

The Department of State announced on August 18 that Ambassador Cannon, Delegate of the United States to the Belgrade Conference on the Danube regime, voted against the Soviet draft convention. In his closing statement the United States Representative protested against Soviet manipulation of the six votes of its puppet States to impose a convention which attempts to legalize its monopoly of Danube shipping.

The record shows plainly that the Soviet Delegation went to this Conference unwilling to negotiate a mutually agreeable convention to implement the directive of the Council of Foreign Ministers. The persistent efforts of our Delegate and of the other Western Delegates to engage in genuine negotiations have been rebuffed, sometimes with the most abusive language. Every amendment submitted by the Western Powers has been summarily brushed aside.

The meetings of the Conference have been characterized by consistent Soviet dictation. The unhappy subservience of the Danubian peoples to Soviet imperialism was never more clearly manifest than at this Conference. The statements and voting of the representatives of the Danubian states reflected their lack of freedom of choice on matters of vital concern to their peoples.

The actions of the Soviet Delegation have made evident the determination of the Soviet Union to perpetuate its economic and political enslavement of the Danubian peoples. Its refusal to accept provisions assuring genuine freedom of commerce and nondiscrimination shows that it intends to maintain vested interests which it has established for its own benefit through extortion from governments imposed by force against the will of the

peoples of its satellites. The Soviet Union has by its conduct at this Conference closed one of the principal doors for East-West trade. The lip service which the Soviet Delegation has paid to "freedom of navigation" is shadow. It has no substance.

Another regrettable result of the Belgrade Conference is that the Soviet attitude defeats and destroys the whole concept of international waterways which has been the public law of Europe for over 130 years. Moreover, it aims to deprive Britain, France, Belgium, Greece, Italy, and Germany of rights which they enjoy under treaties negotiated many years ago. We regard those treaties as being in force, according to international law, until they are terminated by agreement of all parties thereto. Furthermore, the Soviet bloc at Belgrade has disregarded the vital interests of Germany and Austria in the Danube. They are riparians whose interests in Danube navigation are patent. Finally, the Soviet Union, despite its own membership in the United Nations, has refused to allow any association between the Danube administration and the United Nations.

It is obvious that the United States cannot accept the draft convention which the Soviet Union is imposing upon its satellites. In the view of the United States, this instrument does not guarantee freedom and equality of trade. It does not fulfil the mandate of the Council of Foreign Ministers.

The United States will not, of course, recognize, either for itself or for those parts of Austria and Germany which are under its control, the authority of any commission set up in this manner to exercise any jurisdiction in those portions of Austria and Germany.

U.S. Delegations to International Meetings

IRO Preparatory Commission

The Department of State announced on August 30 the composition of the United States Delegations to the Seventh Part of the First Session of the Preparatory Commission of the International Refugee Organization (IRO) scheduled to convene at Geneva on September 10, 1948, and to the First Session of the General Council of the IRO scheduled to convene at Geneva on September 13, 1948. The United States Delegations are as follows:

SEVENTH PART OF THE FIRST SESSION OF THE PREPARATORY COMMISSION OF IRO

United States Representative

George L. Warren, Adviser on Refugees and Displaced Persons, Office of the Assistant Secretary for Occupied Areas, Department of State

Advisers

Col. H. T. Brotherton, United States Forces, Austria, United States Army

¹ Released to the press on Aug. 18, 1948.

ACTIVITIES AND DEVELOPMENTS

Robert L. Fisher, Civil Affairs Division, Department of the Army
Alex E. Squadrilli, European Command, United States Army

Administrative Assistant

Eleanor A. Burnett, Administrative Assistant to the Adviser on Refugees and Displaced Persons, Office of the Assistant Secretary for Occupied Areas, Department of State

FIRST SESSION OF THE COUNCIL OF IRO

Permanent United States Representative

Lewis W. Douglas, American Ambassador to Great Britain

Permanent Alternate United States Representative

George L. Warren, Adviser on Refugees and Displaced Persons, Office of the Assistant Secretary for Occupied Areas, Department of State

Ambassador Douglas will be unable to attend the First Session of the Council and Goldthwaite H. Dorr, Adviser to the Secretary of State, will serve as alternate United States Representative at the Geneva meeting. The advisers and the administrative assistant on the United States Delegation to the Seventh Part of the First Session of the Preparatory Commission will also attend the Council Session.

The Seventh Part of the First Session of the Preparatory Commission will consider various reports of the executive secretariat, a report of the chairman of the eligibility review board, and a number of recommendations and arrangements concerned with the convening of the First Session of the General Council.

The First Session of the General Council is being called in accordance with a provision of the IRO constitution which states that 15 governments must ratify the constitution before the Organization can be established. Luxembourg deposited its instrument of ratification with the United Nations on August 5 and Denmark on August 20, 1948. The following 15 Governments have ratified the Iro constitution: Australia, Belgium, Canada, China, Denmark, Dominican Republic, France, Guatemala, Iceland, Luxembourg, Netherlands, New Zealand, Norway, United Kingdom, and the United States. In addition to the above countries, Venezuela and Argentina have the matter of ratification currently under consideration by their respective legislatures.

Conservation of Renewable Resources

The Department of State announced on September 4 the composition of the United States Delegation to the Inter-American Conference on the Conservation of Renewable Natural Resources scheduled to be held at Denver September 7-20, 1948. The United States Delegation is as follows:

Chairman

Charles F. Brannan, Secretary of Agriculture

Vice Chairman

Oscar L. Chapman, Under Secretary of the Interior

Delegates

H. H. Bennett, Chief, Soil Conservation Service, Department of Agriculture

Bernard De Voto, Historian; Contributing Editor to *Harpers*; Pulitzer Prize Winner, History

Newton B. Drury, Director, National Park Service, Department of the Interior

Clifford R. Hope, Chairman, Committee on Agriculture, United States House of Representatives

Dillon S. Myer, President, Institute of Inter-American Affairs

Lyle Watts, Chief, Forest Service, Department of Agriculture

Milton R. Young, Member, Committee on Agriculture and Forestry, United States Senate

The Government of the United States, at the request of the Pan American Union, will serve as host to the forthcoming Conference. This Conference, the first international meeting of its kind on conservation, is for the purpose of considering problems involved in the conservation of renewable natural resources in the Americas, and to discuss recent technical developments on this subject. It is being organized pursuant to a resolution adopted at the Third Inter-American Conference on Agriculture held at Caracas in July 1945.

Among the problems to be discussed will be those arising out of deforestation, soil erosion, overgrazing, wildlife destruction, floods, and failing water supplies. In view of the importance of these problems, which are yearly growing more serious throughout the Hemisphere because of inadequate conservation practices, mounting populations, and attempts to raise living standards, it is anticipated that leading Government officials, scientists, and other interested groups from the entire Hemisphere will attend.

The Conference will consist of a series of meetings to discuss conservation problems, together with field trips to study land-management practices. The Delegates will have an opportunity to view at first hand soil-conservation districts, forest and range experiment stations, the Rocky Mountain National Park, and other places of interest. Irrigation projects will be studied, along with their relationship to agriculture, grazing, and forestry practices on the land from which irrigation waters are derived.

The working sessions of the Conference will be divided into sections corresponding to the sections of the program. Outstanding leaders and professional men in the field of conservation will serve as discussion leaders for each of the six sections and supervise the preparatory work for the section.

Although the Conference will be a technical one with no power to negotiate agreements, it will consider national and international action for the conservation of renewable natural resources and their optimum use on a sustained-yield basis.

THE RECORD OF THE WEEK

Report on Alien Admittance Under U.N. and National Security

[Released to the press September 1]

Text of a report to the Secretary of State by the Committee to study the question of whether persons have entered the United States in connection with the work of international organizations whose presence is inconsistent with the national security

August 31, 1948

DEAR MR. SECRETARY:

Under date of July 27 you addressed a letter to the members of this committee requesting a study of the relevant facts relating to admission to this country of persons whose presence in connection with the work of the United Nations and international organizations was alleged to be inconsistent with the national security. You submitted to us two specific questions and invited recommendations or comment based on our findings and conclusions.

This committee met at the Department of State on Friday, July 30, and heard from you an outline of considerations prompting the request. Testimony by three Department of State employees before the staff of the Subcommittee on Immigration and Naturalization of the Senate Judiciary Committee had been given extensive publicity. Newspaper accounts of allegations made in that testimony were contrary to the information in your possession. Such allegations constituted an indiscriminate reflection on United Nations personnel, tended to weaken confidence of the American people in the United Nations and raised doubt as to the effectiveness of measures designed to protect our national security. You requested an objective evaluation of the statements made in testimony.

Members of the committee were sworn as employees of the Department of State, with access to departmental records. Beginning July 30, your committee met each day through August 13, and at intervals thereafter, examining records and correspondence and questioning supervisory and subordinate personnel in Department of State and other governmental agencies concerned with the matter under study.

The results of our inquiry are presented herewith. We take some pleasure in reporting that our conclusions are unanimous. We further report that in evaluating the cases submitted to us this unanimity was also reached; and each member of the committee evaluated each case independently of the two others.

Testimony by State Department Employees and Resulting Publicity

On July 15 the staff of the Subcommittee on Immigration and Naturalization of the Senate Judiciary Committee opened hearings under Senate Resolution 137, 80th Congress. That resolution authorizes the committee, or any duly authorized subcommittee thereof, to conduct an investigation of the immigration system, including the extent, if any, to which aliens have entered and remained in the United States in violation of the laws.

The first and subsequent hearings with which we are concerned were conducted by the subcommittee staff. The record does not show that members of the committee or other members of the Senate were present. The testimony under examination was given by three officials of the Department of State's Visa Division: Robert C. Alexander, assistant chief; William McGrath Harlow, chief of the Diplomatic Visa Section, Technical Branch; and R. Clyde Larkin, chief of the Public Safety and Security Section.

Mr. Alexander testified on July 15 and 16. Mr. Larkin testified on July 19. Mr. Harlow testified on July 20.

The first newspaper reports of the testimony were distributed by the United Press for afternoon papers of July 20. This dispatch was followed by publication on July 21 of news stories by other press associations and special correspondents, based on transcripts of the testimony.

The dispatches appeared throughout the country under such headlines as:

"SUBVERSIVE AGENTS BELIEVED IN U.S. UNDER WING OF U.N."

"OFFICIALS OF STATE DEPARTMENT SAY SEVERAL HUNDRED ARE HERE AND PROTECTED BY FACTS. LAKE SUCCESS DUBIOUS"

—N.Y. Times

"UNA CLOAK FOR RED SPIES, CONGRESS TOLD"

—Chicago Tribune

Dispatches contained statements such as these:

"The State Department has informed Congress that subversive agents in an alarming number have entered this country through the United Nations."

"The Government is powerless to do anything about it."

"These subversives include Moscow-trained terrorists, espionage agents, aliens who foment dis-

THE RECORD OF THE WEEK

cord and others trained in undercover activities contrary to the peace and good order of this country."

"Officials of the State Department believe that several hundred subversive agents have used the United Nations as a cover for their activities in this country."

" . . . Mr. Alexander said some of the foreigners who came here under U.N. auspices have been trained as 'terrorists' and in undercover activities 'contrary to the peace and good order of this country'. He did not believe, however, the U.N. was responsible for bringing subversive agents here, but that the U.N. or its affiliates should assume responsibility for getting such persons out of this country when their employment terminates."

"William G. Harlow . . . testified . . . he believed that activities of these foreign agents had been confined to propaganda. He thought the problem would exist as long as the United States was the seat of the U.N."

"R. Clyde Larkin, chief of the State Department's Public Safety and Security Division (note: the correct term is 'Public Safety and Security Section of the Visa Division') told the committee . . . that some of the persons in question have been traveling throughout the country trying to collect intelligence data which will be of benefit to their own country, wherever they may be serving, as well as for the enlightenment of various groups in the U.N."

Your committee has been unable to find factual information to support any of the broad inferences which these statements invite.

Mr. Alexander's estimate that "There are several hundred, at least" of aliens who have been brought into the United States by the United Nations or other international organizations and whose presence is undesirable from the standpoint of the best interests of the United States, is not supported by the facts. The basis for his estimate is examined later in this report.

The statement that the United States Government lacks power to prevent entry of undesirable aliens, or to deport those who abuse the privileges accorded them as United Nations and international organization personnel, is not correct. A discussion of the pertinent laws and their interpretation will be found below.

Reference in news dispatches to "Moscow-trained terrorists" is based on contradictory and unsupported testimony. In one part of his testimony Mr. Alexander said:

"We had one person who was a newspaperman, and he was conferring with other persons here who were trained in terrorist activities in Moscow."

And later:

"I mentioned the case of the person who was trained in terrorist duties in Moscow who was representing a foreign newspaper here, and who was conferring with other persons in the spread of communist propaganda and leaflets and pamphlets and so forth and so on."

Your committee has painstakingly examined the files bearing on this case. They mention a reported incident in which a foreign newspaper correspondent, believed to be a Communist, was seen distributing pamphlets (contents not precisely described) at Lake Success. The same correspondent was reported to have conferred with a well-known American Communist. Mr. Alexander has not been able to furnish your committee any information to support his reference to a "Moscow-trained terrorist" and the original files on the case contain no mention of such a person.

Newspaper reports that "These subversives include Moscow-trained terrorists, espionage agents, aliens who foment discord and others trained in undercover activities contrary to the peace and good order of this country" appeared in various forms. They evidently were based on Mr. Alexander's reply to requests by the Senate subcommittee examiner for elaboration of his estimate of the number of "subversives". The unrevised record of testimony quotes Mr. Alexander as saying:

"The second group is those who are employed by the organization itself, the central secretariat. They consist of persons, who, in some instances, have been refused visas for this country, and we would not grant them visas under any circumstances to come here on their own."

When asked by the examiner why visas were refused, he replied:

"Because they were subversive agents of foreign powers."

And when asked to say what type of activity made them subversive, he responded:

"Espionage, and so forth, and aliens who foment discord, agitation, and other subversive activities contrary to the peace and good order of this country. They were brought in as employees of the central secretariat."

Mr. Alexander tells your committee that he knows of no spies, no terrorists or saboteurs or aliens found fomenting discord who have been brought into this country for United Nations purposes.

He classes as potentially subversive, however, all aliens admitted to the United States from Communist or Communist-controlled countries or aliens, who, under the immigration laws—enacted previous to location of the United Nations head-

quarters in this country—normally would have been inadmissible as members of Communist organizations.

The committee has no comment on Mr. Harlow's testimony, other than to remark that Mr. Harlow has told us he has complete confidence in Mr. Alexander and is willing to abide by whatever conclusions Mr. Alexander has voiced to the committee. He said he had no personal knowledge, however, of subversive activities by United Nations personnel.

The testimony of Mr. Larkin contained a statement, quoted in news dispatches, that there were

"several instances of persons traveling through the country trying to collect intelligence data which will be of benefit to their own country, whomever they may be serving, as well as for the enlightenment of the various groups in this country."

Mr. Larkin, under questioning by your committee, produced two reports from the files which he maintained fell within the category referred to in his Senate Committee testimony.

Your committee does not feel that inferences to be drawn from his Senate Committee testimony are supported by the facts cited in these two reports.

The Washington Post of July 21 contained this additional statement:

"'One of the most serious problems,' according to Robert C. Alexander . . . 'is the fact that this country can't get rid of many of these persons.' If the country from which they came will not take them back, as has happened, the United States is stuck with them. 'The greatest offender to date in this respect was the old UNRRA organization,' Alexander explained. Many undesirables who came in under UNRRA are still here 'and you can't send them back,' Alexander said."

While your committee confined its study to active international organizations and, therefore, omitted UNRRA (now in process of liquidation), it has received a statement from General Lowell W. Rooks, director general of UNRRA, emphatically denying the statements attributed to Mr. Alexander. In relation to non-United States personnel from "iron curtain" countries employed by UNRRA in this country, General Rooks says:

"Of the 55 persons who fall into these national categories, 48 were already located in the United States at the time of their appointment with UNRRA. Some were employed with embassies or other representatives of their home countries, but a large proportion were in this country on regular Immigration visas; a few were in the employ of certain war agencies of the United States Government. Only 7 out of 55 were initially brought into the U.S.A. by UNRRA. Of

the 55, 16 were eventually repatriated to the country of their nationality, 6 were repatriated to other nationalities, 8 were known to have transferred to other international agencies in the United States or abroad, and 31, so far as I can determine, remained in the United States with the intention of becoming permanent residents. It should be emphasized that none of the 31 now have any connection with UNRRA, and all would necessarily be remaining under regular State Department-granted visas."

Mr. Alexander's Clarification of His Testimony Before the Senate Subcommittee

Mr. Alexander explained to your committee that he had expected to have the usual privilege of correcting and revising his Senate subcommittee staff testimony before its publication. The unrevised testimony, however, was made available to newspaper reporters before he had this opportunity.

After revising his testimony and after two weeks of opportunity to study the files, Mr. Alexander made this statement to your committee:

"In the light of all the facts in the cases I have recently examined, I am prepared to testify that the danger to our national security up to this time appears to be more potential than actual or immediate and if we can, whenever necessary, invoke Section 6 of the Joint Resolution or the Public Safety Act, to keep out aliens who, there is good reason to believe, will be subversively active in the United States, I believe the security of the United States would be as adequately protected as the circumstances will permit. Up to the present time I have found no case which has actually jeopardized or seriously endangered the security of the United States, except in so far as such security may be involved in Communist propaganda activities.

"I felt there was a problem involved here, a problem of security as well as one of the immigration laws, in which I am primarily interested. I see these cases from the viewpoint of the administration of the immigration laws and realizing that the immigration laws require passports and visas for security reasons as well as other reasons, I feel that the security provisions should not be overlooked.

"This statement tallies with my testimony before the Senate Committee in which I carefully avoided saying I had seen any such case. The Senate Committee asked me regarding cases concerning activity of aliens after arrival. I mentioned only one case and without naming the alien concerned in which the alien was conferring with a person in this country who had been trained in terrorist activities in Moscow, I drew no connection from that that the security of the Nation had been placed in jeopardy.

"I did feel during my testimony before the Sen-

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ate Staff Committee and I still feel that if the problem of these subversive classes coming into the country with permission to travel all over the country, realizing the difficulty of surveillance and of containing them within any specified area, is allowed to go on, that the security of the Nation might be jeopardized."

The "Problem" of Alien Admittance Under U.N. Auspices

The problem to which Mr. Alexander addressed a part of his testimony before the Senate subcommittee staff is one which was recognized when Congress invited the United Nations to locate its headquarters in this country. It was discussed in Congress before enactment of Public Law 357, (80th Congress), a joint resolution authorizing the President to make effective the agreement with the United Nations establishing its permanent headquarters in the United States.

The House Committee on Foreign Affairs, in reporting the legislation, took note that

"the United States cannot undertake to tell the other member nations who should or who should not represent them at the seat of the United Nations and cannot claim any right of veto over the Secretary General's appointment of personnel to the staff of the United Nations. In general, the United States, as host country, must permit access to the headquarters on the part of all persons who have legitimate business with the organization. This involves inevitably the admission of a number of aliens, some of whom would not normally be admissible under immigration laws of the United States. *The United States has foreclosed itself in undertaking voluntarily the obligations of the host Government.*" (Emphasis supplied)

The Committee further states that the Headquarters Agreement "makes it clear that persons who abuse these privileges either may be deported in accordance with the deportation laws of the United States or (subject to the approval of the Secretary of State) may be required to leave the United States in accordance with the customary procedure applicable to diplomatic envoys accredited to the United States."

The House amended section 6 of the joint resolution ratifying the headquarters agreement. This amendment expressly reserves the right of the United States "to safeguard its own security." In explanation of this amendment the committee's report said:

"An amendment added by the committee reserves the right of the United States to safeguard its own security along with the right to control entry of aliens into territory other than the headquarters area. This right of self-defense is given expression here as a premise underlying all American policy . . ."

A discussion of this and other statutes appears later in this report.

Analysis of Cases Submitted by Mr. Alexander

In his testimony before the Senate subcommittee staff Mr. Alexander estimated that "There are several hundred, at least" of aliens whose presence in this country in connection with United Nations or international organization affairs "is undesirable from the standpoint of the best interests of the United States." This estimate, he said, was based on "the cases which come to my attention."

The Office of Assistant Secretary of State for Administration, of which the Visa Division is a part, directed Mr. Alexander on July 24 to furnish the files of cases on which he based his testimony of July 15.

When your committee held its original meeting on July 30, Mr. Alexander had furnished a total of 44 cases from the files. Through August 18, nearly a month from the date of his testimony, he has been given every opportunity to present other cases from the files which would, in his judgment, bear out the statements made in testimony. He has submitted to your committee his total of 327 cases.

Your committee requested Mr. Alexander to classify his cases in three groups, namely—

Class 1, or cases which he deemed to show some form of subversive activity after the alien's arrival in the United States, with a notation whether such activity occurred (a) before or (b) after affiliation with an international organization.

Class 2, or cases which he deemed to show some form of subversive activity before the alien arrived in the United States and before affiliation with or accreditation by the United Nations or other international organization.

Class 3, or cases which he deemed only to show that the alien was a member of the Communist Party, or presumed to be such, but without evidence of Communist activity.

Mr. Alexander has submitted 15 Class 1 cases divided as follows: (a) 8 cases which he claimed indicated subversive activity within the United States before affiliation with an international organization; (b) 7 cases which he claimed indicated subversive activity in the United States after such affiliation. He has submitted 49 Class 2 cases and 263 Class 3 cases.

Your committee was furnished 163 files in connection with the 263 alleged Class 3 cases. The remaining 100 consist of a listing of that many names with no accompanying papers.

Your committee considers this listing of 263 cases as capricious and without significance. For if Mr. Alexander's purpose is to list the Communists or suspected Communists who have been admitted for U.N. or international organization

duties, the total might reasonably be estimated as 970. This latter figure is the number of visas issued during the past three fiscal years to persons from "iron curtain" countries for entry in connection with the United Nations and other international organizations. The number of persons here at any one time from such countries would be considerably less than the whole number of visas issued during the period.

The "iron curtain" countries, of course, are members of these international organizations and entitled to send representatives and their families including personal staffs. Members of the foreign press from behind the "iron curtain", representatives of other non-governmental organizations and others having business with these international bodies are expected to enter the United States for presentation of their views and for other legitimate purposes in the international affairs with which they are concerned.

Your committee feels that the Class 3 cases cited by Mr. Alexander beg the question of this inquiry. The risk in permitting these people to come to the United States is the calculated risk implicit in the location within the United States of the United Nations Headquarters. In so far as this inquiry is concerned, your committee has not come into the possession of any facts to indicate that the risk is a matter for great concern.

Any risk in Class 2 cases is presumptive, stemming from the expectation that a person who is alleged to have engaged in "subversive" activities abroad would engage in them in some form here. An examination of the files in these 49 cases shows that a large percentage of them belong in Class 3 or cases that have no relevant bearing on the question of security. Your committee is astonished by what appears to be a random selection of case records, many of which have no discernible connection with the subject under examination.

Your committee has carefully studied the cases in Class 1 and as a result repeats Mr. Alexander's own evaluation of the risk—"Up to the present time I have found no case which has actually jeopardized or seriously endangered the security of the United States, except in so far as security may be involved in Communist propaganda activities."

Questioned concerning propaganda activity and its relationship to the national security, Mr. Alexander made this statement to us:

"As I see it, propaganda activities have a less direct bearing upon security than would espionage or sabotage or some other such activity as that. I think that enough of the propagandists in the country to create disunity and a state of mind might eventually bring on a situation in which there would be some jeopardy to our national security but propaganda as such is not the direct jeopardy of our national security."

Your committee is not impressed by the reports of propaganda activities submitted by Mr. Alexander. The reported incidents on which he placed great stress involved two foreign correspondents, presumably Communists, one a zealous partisan, the other a garrulous woman. To label them as propagandists is to distort the legitimate meaning of the term.

We are informed that in the fiscal years 1946, 1947, and 1948, about 6,750 visas have been issued to alien delegations and personnel of international organizations.

Twenty international organizations have been designated by the President under the International Organizations Immunities Act. Seventeen of these, including the United Nations and its affiliates, are actively enjoying privileges of entry under this Act, and most of these also enjoy privileges under the United Nations Headquarters Site Agreement. The total number of aliens continuously employed in the United States in connection with these organizations is approximately 5,000, of whom some 350-400 are nationals of "iron curtain" countries. Approximately half of these numbers are wives and children.

In no case has the State Department found it necessary to withhold a visa by applying Section 6 of Public Law 357.

In three cases of accreditation of foreign newspaper correspondents the Secretariat of the United Nations was informed by the Department of State that it might be necessary for the United States to institute deportation proceedings pursuant to Section 13 (b) of the headquarters agreement, or to restrict the application for accreditation to the headquarters district and its immediate vicinity. In no case, however, has deportation been found necessary.

In only two cases was the objection to visas within the Department strong enough to warrant appeal to the Under Secretary of State, who authorized the visas. We have reviewed the files in these two cases and we agree that the Under Secretary's decision was correct.

Legislative Provisions for the Admission of Individuals in Connection With United Nations Activities

By its Charter, the United Nations Organization enjoys such privileges and immunities as are necessary for the fulfillment of its purposes. Representatives of members and officials of the Organization enjoy such privileges and immunities as are necessary for the independent exercise of their functions.

These provisions imply a measure of freedom of movement for individuals traveling in connection with the activities of the United Nations. With respect to the admission of such individuals to the United States, specific authorization is contained in two Congressional enactments. The In-

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ternational Organizations Immunities Act (P.L. 291, 79th Congress) provides that member representatives to designated international organizations, and officers and employees of these organizations, shall, with respect to the laws regulating entry into the United States, be treated like officers and employees of foreign governments. By Joint Resolution, the President was authorized to bring into effect the Headquarters Agreement with the United Nations (P.L. 357, 80th Congress). Section 11 of that Agreement provides that the United States shall not impose impediments to the transit to and from the headquarters district of individuals in five categories, including member representatives and officials of the United Nations, experts performing missions for the United Nations, accredited representatives of the press or other information agencies, representatives of organizations invited for consultation by the Economic and Social Council of the United Nations, and other individuals invited by the United Nations on official business. The Agreement also confers on the principal resident representative of each member, and on certain of his staff, the privileges of a diplomatic envoy including the privilege of admission into the country and free movement therein.

Legislative Provisions To Safeguard United States Security

These statutes also provide for the steps necessary to safeguard the security of the country. The right of an individual to remain in the United States may, under Section 8(b) of the International Organizations Immunities Act, be terminated by the Secretary of State, if he finds that the alien's presence in the United States is not desirable. Section 6 of the Joint Resolution approving the Headquarters Agreement provides that nothing in the Agreement in any way diminishes the right of the United States to safeguard its own security. The Section 6 Reservation could be invoked by applying the Public Safety Act (22 U.S.C. 228, 55 Stat. 252), which provides that the consulates should refuse a visa to any alien who seeks to enter the United States for the purpose of engaging in activities which will endanger the public safety of the country. And, except for members of national delegations who enjoy diplomatic privileges and are thereby subject to recall as *personae non gratae*, the great majority of individuals admitted under the Headquarters Agreement are subject to prosecution under our criminal laws with respect to any acts outside their official duties.

Press representatives, representatives of non-governmental organizations, and other official visitors are not excluded from the provisions of the Foreign Agents Registration Act. The laws and regulations applicable to all alien visitors to the United States may be made applicable equally to them. And as to any violation of law or regula-

tion which may properly be deemed an abuse of the individual's privilege of residence, the United States may, as is specifically noted in the Headquarters Agreement, either deport the individual, limit his movements to the United Nations headquarters district and its immediate vicinity, or bring him to trial under the criminal laws of this country. In the case of the minority which enjoys immunity under the Headquarters Agreement, the United States may ask his government to waive the individual's immunities, or it may declare the individual *persona non grata* and request his recall in accordance with customary diplomatic procedures.

How the Safeguards Operate

Every person coming to the United States must have a visa issued by an American consulate. Before issuing a visa to any individual who would come to the United States in connection with United Nations activities, the consulate requires reasonable evidence that the individual comes within one of the classes whose admission is authorized by the Headquarters Agreement. The consulate will investigate all available sources to determine whether that person is coming to engage in activities dangerous to the public safety of this country. If the consulate so determines, it would deny the visa and the United States would indicate to the United Nations that the exclusion of this individual is necessary to safeguard the national security as contemplated by the reservation in the Joint Resolution approving the Headquarters Agreement.

The United Nations is required to consult with the United States before representatives of the press or other information agencies are accredited. The United States may object to the accreditation, and refuse admission because there is no reasonable evidence that a person is coming to engage in the activities of a bona fide press representative. It may also object to his accreditation, and refuse admission if he is coming to engage in activities dangerous to the public safety of the country.

Where the security of the United States does not require the total exclusion of an accredited press representative, a representative of a non-governmental organization, or an invited official visitor, the United States could issue a visa limiting the movement of such individuals to the United Nations headquarters district and its immediate vicinity. In fact, a person in these categories who would not be admissible under the immigration laws, except for the Headquarters Agreement, will always be limited to the immediate vicinity of the headquarters district unless the Attorney General of the United States in his discretion waives the limitation. Any person so limited who later violates his restriction may, after consultation with the Secretary-General of the United Nations, be deported from the United States.

The United Nations Charter requires employees of the Secretariat to refrain from any action which might reflect on their position as international officials. Any subversive activity by such an individual would be a violation of his duties under the Charter.

When a person's relation to the United Nations is terminated, the Organization brings that fact to the attention of United States authorities. Since the individual is no longer entitled to remain in the United States he will be required to leave, and if he should refuse or neglect to do so, he could be deported like any other visitor to the United States whose right to stay in the country is at an end.

Interpretation of the Law

As in the case of any other two sets of statutes, the existence of Section 11 of the Headquarters Agreement, which promotes the successful functioning of the United Nations, alongside the reservation in favor of safeguarding our national security provided for by Section 6 of the Joint Resolution authorizing the Agreement, may well cause some conflict in practice. In making the Agreement to locate the Headquarters in this country the United States freely undertook to require some relaxation of the immigration laws. It did so, of course, with the understanding that other members of the United Nations would act with integrity in availing themselves of the privileges thus accorded.

In administering the immigration laws, there is reason, therefore, to resolve doubts in favor of admitting aliens when they are properly accredited pursuant to Section 11 of the Agreement. Section 6 of the Resolution, which provides for safeguarding the security of the country, ought to be applied to exclude a United Nations alien only when there is a weighty showing of evidence.

The Committee is of the opinion that continuing experience with the facts of the particular cases will provide both the United Nations and the United States with sufficient criteria to determine a *modus vivendi* under the Agreement and the Joint Resolution, and that no legislative modifications appear to be necessary or desirable at this time.

It believes also that it would be good practice for the Visa Division to submit the particular facts of these cases as they arise to the Legal Adviser of the Department of State so that such criteria may be more precisely formulated by the United States. This practice has not, in the opinion of the Committee, been sufficiently followed in the past.

Answers to Specific Questions

In your letter requesting this inquiry, you submit two specific questions and solicit our report:

September 12, 1948

(1) Do existing international agreements, in particular the United Nations Headquarters Agreement, and Public Law 357, 80th Congress, approving the Agreement with certain reservations, embody undertakings on the part of the United States Government which prevent the exclusion from this country of persons whose presence is inconsistent with our national security?

Your Committee believes that there is adequate statutory authority to exclude from the United States persons whose presence here is inconsistent with our national security and that no undertaking on the part of the United States Government nullifies such authority.

(2) Are existing administrative practices and procedures, and the legislation on which they are based, adequate to assure the exclusion from this country of persons whose admission is requested in connection with the work of international organizations but whose presence would be inconsistent with our national security? In this connection, an appraisal is desired whether (a) persons in this category have been admitted, and (b) adequate procedures exist for assuring future exclusion or deportation of such persons.

Your committee believes that existing administrative procedures, and the legislation on which they are based, are sufficient. The committee is not satisfied that practices under the outline of procedures are satisfactorily coordinated. This subject will be discussed in a subsequent memorandum to you, embodying certain suggestions which have occurred to your Committee in the course of its inquiries.

2(a) Your committee feels there are two parts to this question. First, has a visa been issued abroad to any international organization alien whose admission to this country would be inconsistent with our national security? Second, has any international organization alien been admitted whose conduct, after arrival, was inconsistent with our national security?

Our answer to the first part of the question is a repetition of previous statements in this report. We have seen no case in which we feel, from an examination of the available evidence, that the refusal of a visa would have been justified under Section 6 of the joint resolution ratifying the Headquarters Site Agreement.

The answer to the second part of this question is based upon information which originated from sources other than the Visa Division.

Your committee has some doubt as to whether the activities of several individuals, after arrival, were consistent with our national security. The decision reached by the responsible officials in these few cases seem to us, based upon the information at hand, to have been correct in each instance.

It is clear that public discussion of the facts of these cases would not be in the public interest.

2(b) Adequate procedures exist to assure future

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International Organizations Immunities Act (P.L. 291, 79th Congress) provides that member representatives to designated international organizations, and officers and employees of these organizations, shall, with respect to the laws regulating entry into the United States, be treated like officers and employees of foreign governments. By Joint Resolution, the President was authorized to bring into effect the Headquarters Agreement with the United Nations (P.L. 357, 80th Congress). Section 11 of that Agreement provides that the United States shall not impose impediments to the transit to and from the headquarters district of individuals in five categories, including member representatives and officials of the United Nations, experts performing missions for the United Nations, accredited representatives of the press or other information agencies, representatives of organizations invited for consultation by the Economic and Social Council of the United Nations, and other individuals invited by the United Nations on official business. The Agreement also confers on the principal resident representative of each member, and on certain of his staff, the privileges of a diplomatic envoy including the privilege of admission into the country and free movement therein.

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It believes also that it would be good practice for the Visa Division to submit the particular facts of these cases as they arise to the Legal Adviser of the Department of State so that such criteria may be more precisely formulated by the United States. This practice has not, in the opinion of the Committee, been sufficiently followed in the past.

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Your committee has some doubt as to whether the activities of several individuals, after arrival, were consistent with our national security. The decision reached by the responsible officials in these few cases seem to us, based upon the information at hand, to have been correct in each instance.

It is clear that public discussion of the facts of these cases would not be in the public interest.

2(b) Adequate procedures exist to assure future

exclusion or deportation of aliens whose presence would be inconsistent with our national security.

Conclusions and Comments

The last paragraph of your letter has invited our recommendations or comments.

At the end of four weeks of conference and examination of documentary material, we conclude there is no basis for the charges contained in the testimony outlined above.

Your committee is shocked by the manner in which these serious charges were made.

Subordinate officials of a non-policymaking division of the Department of State testified at a public hearing on a matter of high policy before a Senate subcommittee presided over and directed by staff employees with no Senator present. So far as we are aware, this practice is without precedent. The testimony produced serious repercussions on the foreign policy of the United States and that testimony was irresponsible in its lack of factual support.

So far as we can determine, the subordinate officials who testified, even if they were disturbed over the seriousness, as they saw it, of a developing situation, had never made any persistent effort to bring it to the attention of the responsible policy-making officials of the Department of State. In any field of governmental activity such failure reflects poor public administration. More particularly is this true in the delicate field of foreign relations.

We are convinced the people of the United States firmly believe in the principles of the United Nations. There is a recognized degree of potential danger to our national security in the admission of aliens to this country who are antagonistic to our form of government and vigorous promoters of their own. But it is equally true that one of the great hopes for that security is a strong United Nations. If today's reality is still far from the ideal outlined in the Charter at San Francisco, our obligation as a nation, nevertheless, is to labor for that ideal, regardless of the attitudes or the conduct of other nations. That is the perspective in which we should measure the dangers to our national security from the presence in this country of the relatively few aliens whose political affiliations are believed would have barred them from entry in the past but whose presence now is vital to the work of the United Nations and other international organizations.

Respectfully yours,

B. M. MCKELWAY

JAMES H. ROWE, JR.

MARCELLUS C. SHEILD¹

THE DEPARTMENT

President's Budget on International Affairs and Finance²

Expenditures for international aid programs are now estimated at 7.0 billion dollars, the same as in January. Actual expenditures in 1948 were 4.7 billion dollars.

More than half of all international expenditures in the fiscal year 1949 will be required for aid to Europe under the Economic Cooperation Act. In January, expenditures for this program were estimated at 4 billion dollars for 1949; they are now estimated at 3.8 billion dollars. This downward revision results largely from the Congressional reduction of the initial appropriation by 245 million dollars.

Expenditures for Greek-Turkish aid in 1949 are now projected at 385 million dollars, 181 million dollars above the January budget, largely due to shipments and payments delayed from the fiscal year 1948.

Estimated expenditures for aid to China in 1949 have been revised upward, from 240 million dollars to 359 million dollars, to reflect the increased program enacted since last January.

Expenditures under the Army's program for relief and reconstruction in the occupied areas are now expected to total 1,280 million dollars, a reduction of 70 million dollars since January. This decline is mainly in the reconstruction portion of the program.

Although the Congress reduced the recommended authorization for the European-aid program by 1.5 billion dollars, it provided that on recommendation by the Economic Cooperation Administrator and with my approval, the funds appropriated could be fully obligated by April 2, 1949. To permit this program to go forward without interruption during the last quarter of the fiscal year, additional authority and appropriations will probably be necessary. I am therefore including in this review a tentative estimate of 1.5 billion dollars for a supplemental appropriation. Its enactment will not have a significant effect on expenditures until the fiscal year 1950.

¹ Mr. McKelway is editor of the *Washington Star*; Mr. Rowe is an attorney and member of the Commission on Organization of the Executive Branch of the Government; Mr. Sheild was clerk of the House Appropriations Committee, 1916-44.

² Excerpts from *Statement by the President Reviewing the 1949 Budget*, which was released to the press by the White House on Aug. 15, 1948.

THE DEPARTMENT

PUBLICATIONS

Department of State

For sale by the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Address requests direct to the Superintendent of Documents, except in the case of free publications, which may be obtained from the Department of State.

Military and Civil Affairs: Rights and Privileges of United States Forces in Italy, Transfer of Responsibility from the Allied Military Government to the Italian Government. Treaties and Other International Acts Series 1694. Pub. 3074. 19 pp. 10¢.

Agreement Between the United States and Italy—Effectuated by exchange of notes signed at Rome Sept. 3, 1947; entered into force Sept. 3, 1947.

Mutual Aid Settlement. Treaties and Other International Acts Series 1716. Pub. 3100. 13 pp. 5¢.

Agreement and Accompanying Exchanges of Notes Between the United States and Norway—Signed at Washington Feb. 24, 1948; entered into force Feb. 24, 1948.

Passport Visa Fees. Treaties and Other International Acts Series 1721. Pub. 3115. 8 pp. 5¢.

Agreement Between the United States and France Replacing Agreement of Dec. 10, 1946—Effectuated by exchange of notes dated at Washington Aug. 19 and Sept. 4, 5 and 16, 1947; entered into force Sept. 16, 1947, effective Oct. 1, 1947.

Shipping: Provisional Maritime Consultative Council. Treaties and Other International Acts Series 1724. Pub. 3125. 5 pp. 10¢.

Agreement and Accompanying Notes Between the United States and Other Governments—Dated at Washington Oct. 30, 1946; open for acceptance at London; entered into force Apr. 23, 1947.

Industrial Property: Restoration of Certain Rights Affected by World War II. Treaties and Other International Acts Series 1725. Pub. 3133. 3 pp. 5¢.

Supplementary Agreement Between the United States and France—Signed at Washington Oct. 28, 1947; entered into force Feb. 27, 1948.

Civil Aviation Mission to Bolivia. Treaties and Other International Acts Series 1739. Pub. 3165. 9 pp. 5¢.

Agreement Between the United States and Bolivia—Effectuated by exchange of notes signed at La Paz Aug. 26 and Nov. 3, 1947; entered into force Nov. 3, 1947.

United States Educational Foundation in the Philippines. Treaties and Other International Acts Series 1745. Pub. 3185. 3 pp. 5¢.

Agreement Between the United States and the Republic of the Philippines Amending the Agreement of Mar. 23, 1948—Effectuated by exchange of notes signed at Manila Apr. 2 and 8, 1948; entered into force Apr. 8, 1948.

Diplomatic List, August 1948. Pub. 3242. 193 pp. 30¢ a copy; \$3.25 a year domestic, \$4.50 a year foreign.

Monthly list of foreign diplomatic representatives in Washington, with their addresses.

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Contributors

Sheldon Z. Kaplan, author of the article on the 80th Congress, Second Session, and the United Nations, is an Assistant to the Legal Adviser, Department of State.